

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 24, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Mark A. Ellis, Bert Keller, Gabriel Vasquez, Annise Parker, Gordon Quan, Orlando Sanchez and Chris Bell; Mr. Paul Bibler, Assistant City Attorney; Mr. Richard Cantu, Director, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Rob Todd absent due to being ill. Council Members John E. Castillo and Carroll Robinson absent on personal business.

At 2:01 p.m. Mayor Brown convened the meeting of the City Council and stated that they had several Council presentations and would start with Council Member Goldberg. Council Members Galloway, Boney, Vasquez, Quan, Sanchez and Bell absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he was joined at the podium with the Controller, Ms. Silvia Garcia, and they had a little presentation for them, that this weekend, Friday and Saturday, the Houston Bar Association was doing an all attorney musical, song and dance, and it was to raise money for the Houston Bar Foundation and he and Ms. Garcia were actually participants in the show, that this was their opportunity to come and see them sing and dance, and Ms. Garcia stated that the bottom line was that all of the dollars went to the Houston Bar Foundation which supported all of the charitable work for the Houston Bar Association and it was kind of a fun way of fundraising and this year both she and Council Member Goldberg decided to join the cast and they would be pleased to know that she would still play a controller, and Council Member Goldberg stated that they had some of the cast members present who were going to do a brief presentation, and invited Ms. Debra Baker, Mayor, Day, Caldwell & Keaton, who was the writer of the show and was performing, Ms. Jennifer Walker Elrod, Baker & Botts, and Honorable Judge Martha Jamison, 164th District Court, and Patrice McKinney, Crawford & McKenney, and Mr. Jim Benton, Jim Benton Catering, and Council Member Goldberg stated that the show was going to be Friday and Saturday, that Reliant Energy was going to pay for two tickets for each Council Member's office, that they were making that donation to the Houston Bar Foundation, and invited the talented people to take it away. Council Members Galloway, Boney, Vasquez, Quan and Sanchez absent. (NO QUORUM PRESENT)

Mayor Brown stated that he wanted to make two presentations and invited Dr. Franklin Chang-Diaz to join him at the podium and stated that today he wanted to recognize and really celebrate the achievements of Dr. Chang-Diaz, that as an accomplished Costa Rican astronaut for NASA he served as a genuine role model, not only for the Latin American Community, but for all of Houston, that he held six NASA Space Flight Medals, two NASA Distinguished Service Medals, and 3 NASA Exceptional Service Medals, that he was dedicated to his community, especially the young people, and was willing to tell them that the sky really was the limit for an aspiring soul, that he wanted to honor his remarkable career and dedicated community involvement by appointing him as an Honorary Citizen of the City of Houston, and read a proclamation that stated that Lee P. Brown, Mayor of the City of Houston, hereby took great pleasure in appointed him as an Honorary Citizen of Houston, Texas and also as a goodwill ambassador. Council Members Galloway, Boney, Vasquez, Quan and Sanchez absent. (NO QUORUM PRESENT)

Dr. Chang-Diaz stated that it was a real privilege to be present and he felt extremely honored, that as a citizen of the City of Houston, he had lived here 21 years and two of his four daughters were born in Houston and were being raised in Houston, that he also had deep roots in his home country of Costa Rica but was also a proud American Citizen so he held those two

parts of his heart very close to him, that he understood that some of the Council Members visited Costa Rica recently and looked forward to furthering the ties and relationships between their two countries. Council Members Galloway, Boney, Vasquez and Sanchez absent.

Mayor Brown stated that they were very pleased to also have the Counsel General of Costa Rica present, Mr. Eduardo Cordero. Council Members Galloway, Boney, Vasquez and Sanchez absent.

Mayor Brown invited Mr. Hank Phillips, President of the National Tour Association, to join him at the podium, and also Mr. Duncan Dodd, Lakewood Church Executive Director of Ministries and Mr. Tim Dillard also of Lakewood Church, and stated that he thought that they could all appreciate that the last few weeks had tried and tested them while many Houstonians suffered at the hands of Tropical Storm Allison, that they were also blessed to discover that the spirit and heart of Houston was strong, no matter what the circumstances were, that after flooding of June 9, 2001 Houstonians pulled together and worked hard to help each other recover and they were aided in no small part by the generosity of the corporate neighbors, religious institutions, the Red Cross and indeed countless others, that they also received help from unlikely sources, that the National Tour Association had been working with the Greater Houston Convention and Visitors Bureau for several years on their 2001 national convention, which would be held in Houston in November 2001, that when National Tour Association's members and board members heard about what had happened here they did something that was really remarkable, they did not panic or cancel their convention, they rallied around their host City and raised approximately \$15,000 for flood relief, and asked Mr. Hank Phillips to say a few words. Council Members Galloway, Boney, Vasquez and Sanchez absent.

Mr. Phillips stated that it was seven years ago that the National Tour Association selected Houston as the site of their 2001 convention and that convention was one of the major travel and tourism industry events in any year, that over that seven year period they had been working with the staff of the Convention and Visitors Bureau, their excellent representatives of the City, and had gotten to know Houston and the people of Houston and had gotten to love them, so last month when the reports began to come out of the flooding and the aftermath of Allison they went to their members and simply said, those folks had been helping them for years and would be helping them right up through November and here was an opportunity to help them, that their members, board of directors, staff and also their foundation came together and put together the \$15,000, which was a very small token of their appreciation and concern and gratitude to the great City that they all lead, that the \$15,000 was just a start, there was going to be well over 3,000 people in November and they would be leaving behind close to \$4 million in expenditures and they would also be leaving Houston with an understanding and awareness of the City, the culture, the history, the attractions and most of all the people and they were going to go back home and build that awareness and understanding into tours and travel packages that they would sell around the world and bring large number of visitors back to this great City, that if they would, when they were asked to explain the value of tourism and defend perhaps tourism from time to time, he hoped they would be able to talk about the value of tourism where different people from different places visit each other and get to know each other and come to respect and appreciate each other and even go so far as to help each other when they need help, that to him was the greatest value of tourism, and they were glad to deliver on that value to them today and thanked them for the opportunity and very much looked forward to coming back in November. Council Members Galloway, Boney and Sanchez absent.

Mayor Brown stated that the donation would be given to Lakewood Church, which was still handling their Adopt a Family Program and were still helping people. Council Members Galloway, Boney and Sanchez absent.

Mr. Duncan Dodd stated that they would like to thank Mr. Phillips for his generosity, both to the City and to Lakewood Church, the National Tour Association, Mr. Tollett and the Convention Bureau, the Mayor and City Council for their continued support as Lakewood church continued their efforts on behalf of the Mayor and all the City in the Adopt a Family Program, that it had been their privilege to help over 2,800 homes to date, that they still had 5 staff members working full time around the clock assisting people with the next phase of rebuilding their lives, that was what they were all about, whether it was spiritually, physically, financially or wherever people's needs were that was what the church was all about and they were glad to be working with the City in that regard, that every dollar that they gave them went directly into the hands of those who desperately needed this help, whether it was through sheet rock, carpet or appliances, that it was much needed help during this time and they were thankful to all of them for so graciously giving them this gift, and on behalf of Pastor Joel Olsteen and the entire Lakewood family he wanted to thank each one of them personally. Council Members Galloway, Boney and Sanchez absent.

At 2:18 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Keller led everyone in prayer and the pledge of allegiance. Council Members Galloway, Vasquez and Sanchez absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Todd absent due to being ill. Council Members Castillo and Robinson absent on personal business. Council Members Galloway, Vasquez and Sanchez absent.

Council Members Boney and Tatro moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Todd absent due to being ill. Council Members Castillo and Robinson absent on personal business. Council Members Galloway, Vasquez and Sanchez absent.

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

Ms. Ruby Mosley, 862 South Victory, Houston, Texas 77088 (281-447-6095) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Vasquez and Sanchez absent.

Ms. Vernetta Mosley, 15 Charleston Park Dr., #15, Houston, Texas 77025 (713-664-8423) appeared and stated that she was present to speak on behalf of the residents of Oaks of Charleston Apartments whose names appear on the petition that would be submitted by Ms. Howard, that they were not notified about the drastic change of turning South Main Street into an almost freeway with the 55 mph speed zones when finished, that this 55 mph speed zone would start from the South Loop to Hiram Clarke and eventually to Missouri City, that one of the main reasons that residents moved to Oaks of Charleston Apartments on South Main was the easy access to the Medical Center and downtown from the Metro bus stop, that after all these years not only had the bus stop been removed from across the street on South Main at the complex but the turnaround exit that had existed in front of their complex had also been closed, leaving them without any access to a Metro bus stop towards the Medical Center, that in order to get to a Metro bus stop they had to walk four to five blocks to West Bellfort or Willowbend then cross over to the other side, that there were many elderly people and several disabled people living in their complex who rode Metro also, that one of the main concerns, as a women with walking this distance at 6:00 a.m., especially when it would be dark outside during the fall season and there were many vacant wooded lots along this pathway and it was on South Main, that also many Houston Independent School District students rode Metro to school from this complex, that they

as taxpayers and residents of Oaks of Charleston were asking the City Council to help them resolve the problem by getting their bus stop back across the street from the complex and either give them a crosswalk or a pedestrian light so they would could commute to and from their worksites without fear of being accosted, that basically they felt that most of them who lived on South Main between West Belfort and Willowbend were not taken into consideration when developing and implementing these plans for the road construction, that they were not aware that the South Main street was going to be a one way from the entrance to their apartment complex, that she was asking that this be corrected before the cement was laid, that they had several females assaulted along this route because of the wooded area and was something that could simply be corrected and should not have ever happened in the first place. Council Members Boney, Vasquez and Sanchez absent.

The City Secretary asked Ms. Mosley if she was Ms. Vernetta Mosley because they also had a Ms. Ruby Mosley on the speakers list and she was listed a little further down the list and wanted to clarify so that Council would know that she was further down the list. Council Members Boney, Vasquez and Sanchez absent.

Council Member Goldberg stated that he knew the area she was talking about and it was in his district, that he understood her concerns, that unfortunately the design of the highway was done by TXDOT, that he was willing to work with her and did not see why they could not get a Metro bus stop on the other side, and Ms. Mosley stated that the main problem was the 55 mph speed zone. Council Members Boney, Vasquez and Sanchez absent.

Mayor Brown stated that no determination had been made on the speed zone as of today and were told when it was done they would be looking at 40 mph, that they would ask TXDOT to do a survey to make sure that it was not unsafe, that also they would contact Metro in reference to the bus stop that they had and ask them to take a good look at it as well. Council Members Boney, Vasquez and Sanchez absent.

Mr. Terry Richardson, 4510 Ella, Houston, Texas 77018 (281-808-2589) appeared and stated that he was present to raise on issue regarding the U-Turn Law in the City of Houston, that Section 45-37 stated that they could make a u-turn at an intersection if they did so in safety and without interfering with any traffic that was lawfully using the intersection, that it also states that they probably did need to observe the traffic control devices that were at the intersection, but when they went to Section 544.007 of the State Transportation Code it gives a list of what they could and could not do at the intersections, that Paragraph B of that Section states what they could do on a green light, go straight, turn left or right, but made no reference to doing a u-turn at an intersection, that Paragraph D of that same section states what can be done at a red light, either stop, turn left, if it was a one way or turn right if they did so in safety after stopping and without interfering with any other traffic that was legally using the intersection, that a lot of people had been stopped and issued citations for making u-turns at red lights and from what he was reading there was no law that states or any clause in the section on traffic control signals in general, that states they could not do that, that he was contacted by the Police Department and the Legal Department and they tried to clear it up and he was hoping that they were able to do that before the meeting, but what they told him was to review them again but he still found the same thing. Council Members Boney and Vasquez absent.

Council Member Tatro stated that they changed the U-Turn Law last year but it did not have anything to do with red lights, that they had a difference from State Law, that State Law says they could make a u-turn anywhere except where it was posted and the City's law was actually reverse of that and they changed it to coincide, but his issue was on red lights and he was saying that State Law did not address u-turns on red lights, and Mr. Richardson stated that it did

not address it and according to Section 544.007 Traffic Control Signals in General states what they could do at traffic control signals and this entire section did not address u-turns at all, that he was saying that it was the intent of the law, that one could not make a u-turn on a red light, that it should specially state they could not do it. Council Members Boney, Vasquez and Quan absent.

Upon questions by Council Member Tatro, Mr. Bibler stated that before he could discuss this he would need to know if Mr. Richardson had received a citation and Mr. Richardson stated that yes he was stopped for this, and Mr. Bibler stated that he was going to have to deal with the judge on that, that they did make a change in the ordinance some time back at the request of Council Member Todd, and Council Member Tatro stated that the law they changed only had to do with whether it was posted or not and not what the light was, and Mr. Richardson stated that what he was suggesting was if it was against the law then he would assume that it would need to say that, that the City of Houston did not have that particular section in the Code of Ordinances, that it said they needed to obey the traffic control signals but then it did not tell them what to do at a traffic control signal. Council Members Boney, Vasquez and Quan absent.

Council Member Parker stated that their changes dealt with if the light was green and they had the ability to proceed and if there was nothing that said they could not do a u-turn then they could do u-turn but the red light issue they had not dealt with at all, but frankly she did not think they could do a left turn on a red light. Council Members Boney, Vasquez and Quan absent.

Council Member Galloway stated that a red light always meant stop, except when the State law was changed and it now stated that they could make a right on red and a left on red from a one way to a one way. Council Members Boney, Vasquez and Quan absent.

Mayor Brown asked Mr. Richardson if he had stopped at a red light and then made a u-turn on the red light and Mr. Richardson stated yes, and Mayor Brown stated that it was pretty clear, when they stop at a red light they have to wait for the light to turn green and then proceed, and if he had any differences with that his only recourse would be to go to the court and argue his point. Council Members Boney, Vasquez and Quan absent.

Mr. Arthur Gonzalez, 2700 Dalton, Houston, Texas 77000 (713-641-7822) appeared and stated that he had been working for the City of Houston for 20 years and read from a prepared statement that stated that he had seen a lot of things from racism to favoritism, that he had reported a supervisor painting his home during working hours and another supervisor being picked up at his home because he did not have a vehicle, that in his twenty years he had never filed a grievance, but in the last three months he had filed three of them, that recently he was passed over for a promotion and two young Black females got the promotion over him and other co-workers who were more qualified, that the two females had five years combined working for the City while the others in his department combined had 95 years experience and were not selected for the position, that he was recently written up because management told him he caused the City financial loss, that on May 29, 2001 he was reprimanded for the causing the City of Houston a financial loss, that he did not know how the Department of Public Works had the audacity to say he was causing the City a financial loss when first they put down thousands of meters in Kingwood and turned around and pulled all of the meters out, that this cost the City of Houston thousands of dollars and maybe millions by the management, that management bought thousands of Hersey meters and they turned out not to work right, they had to throw them away and buy Trident meters to replace another management error, that on top of all the mistakes the Trident meters were also thrown away, that management had bought thousands of 101 round polyurethane lids and then Mr. Sadd Jones stated they could not use the lids because they could not pick up a read on the lids, how much financial loss was this, that management purchased a

machine that cost the City of Houston taxpayers \$50,000 to clean out meter boxes and was used for about two weeks when they saw it was not working so it had just been sitting there rotting since they bought it six years ago, that he had pictures, as proof, of all of the meters that they had been throwing away, that he had a picture of the \$50,000 machine.

Upon questions by Council Member Sanchez, Mr. Gonzalez stated that he worked for the Public Works Department at 2700 Dalton, that he changed out meters, that he was an Inspector I, that when there was a position available to promote to it was posted on the board, that they fill out applications when applying for a position, that they were given oral tests, that he had applied dozens of times and had never been promoted, that there were other employees with similar experience, that in his opinion he had not gotten promoted because he let management know when they were doing something wrong, that he had three grievances, one for discrimination, one for the reprimand regarding unsatisfactory work, which they took back, and the other was for a probe that he broke, that he was in Step 2 of the discrimination, and Council Member Sanchez asked him to call his office and he would talk to him a little more about it, that he was aware of his situation as well as others. Council Members Boney and Quan absent.

Upon questions by Council Member Goldberg, Mr. Gonzalez stated that the meters, which were in the pictures he provided, the Trident and Hersey meters were being thrown away, that the Badger meters were being tested, that a machine which was on a trailer and had been used for about two weeks and was not working was just parked there, that it was a vacuum and was supposed to clean out the meter boxes.

Ms. Ruby Murphy, 22230 Rustic Bridge, Humble, Texas 77339 (281-358-9074) appeared and stated that she had questions about the City issuing building permits which caused other people to flood, that last year when she did the Census she was on a back street called Dogwood and Friendswood Development was building \$300,000 homes and hauling in thousands of loads of dirt and building right up to the flood that went off into White Oak, that there was no detention pond and huge pipes were put in five feet from the bridge, that in fact they were the ones who tore up the bridge that taxpayers were rebuilding, that she stated to the head of Friendswood in that area that they were causing everybody downstream to flood, but lowering the pipes underground, lowering the road and building the houses up so that everything went off into the lake, the river, White Oak Bayous and so on all the way across 1960, and she said she knew it but as long as the City issued permits there was nothing they could do about it; that her second issue was that she lived a few blocks down from the San Jacinto River, down Hamlin Road, and 494 ran along I59 and when they turned off of 494 the road ran four to five blocks from the river and the area flooded, that her house and her neighbors houses did not because they were up on a hill at Hamlin Road Estates, but there was land from the 494 and the railroad for about three quarters of a mile down that flooded on both sides, that recently the City issued permits for them to bring 250 trailers or modular homes in there and they were knocking down all the trees and they were going to build a detention pond on the corner of Hamlin Road and Pinetree, that when it flooded they were the last to get out of that area because the road stayed flooded longer than anywhere else, that she would like to know how the City issued this permit. Council Members Goldberg, Boney and Bell absent.

Mayor Brown stated that he would have Mr. Wes Johnson meet with her and answer her questions or see if there was something they needed to do. Council Members Goldberg, Boney and Bell absent.

Mr. Paul Romero, 6854 Leader, Houston, Texas 77074 (713-988-6972) appeared and stated that he had worked for the City of Houston Water Customer Department since 1978, beginning as a water meter reader with a few breaks in service, that ever since he started

working he had noticed a pattern of discrimination against Hispanics, that this position was an entry level position to advance to a higher position, that they had to apply when a job opening occurs, that he had applied several times for a Water Meter Inspector position until he had gotten the position which he had been at for the last 13 years, that when positions were open they were usually given to African Americans or Caucasians, no matter what level of seniority they had, that he had seen people receive supervisory positions with only two years experience, that seeing this pattern over the last several years caused him concern because in their department they served the City population which was now about one third Hispanics and he did not feel they were getting proper service because of the lack of a diversified workforce which he felt they should have, that they did not have enough Spanish speaking personnel to take care of the needs of the customers, that in their department they were experiencing a lot of economic problems and they were a department that produced a lot of revenue for the City, that he thought one of the worst problems they had were the people who made hiring and promotional decisions as well as budget decisions, that the City had a lot of talented people and dedicated workers and some of them were Hispanics. Council Members Goldberg and Boney absent.

Upon questions by Council Member Sanchez, Mr. Romero stated that in the past he had applied about three or four times for promotions, that they check the bulletin board to see if there was an opening that they had the skills and knowledge to apply for, that they get interviewed and take an exam, that they did not get notified of the results of the examination. Council Members Goldberg and Boney absent.

Mayor Brown asked if Mr. Romero felt there was discrimination against him and requested that he file a complaint with the Office of Inspector General and that meant there would be an investigation based on his complaint. Council Members Goldberg and Boney absent.

Ms. Mary O. Howard, 16 Charleston Park, Houston, Texas 77025 (713-661-4173) appeared and stated that she was present for one reason, that they had a signed petition from their complex which was the Oaks of Charleston on South Main, that they all may know about the construction that was being done at South Main and Charleston Park, that it had created a huge problem for those who lived in the area, that she had photos if they would like to see what she was talking about, that they had no way to get to the other side, not even to catch the bus, that they were being forced to walk four blocks to the right and left to even try to catch a Metro bus, that this was not right, that they needed to have access at this crossing, that they were taxpaying citizens of the City and they needed to see their taxes working for them, that they were asking what ever it took to rectify this problem, to please give them back their crossing with a red light. Council Members Boney and Vasquez absent.

Mayor Brown stated that as they mentioned to Ms. Mosley, Mr. Wes Johnson would meet with her and have him follow up on her concerns as well and they would see what could be done, and Ms. Howard stated that she would like to leave a petition and photographs with them. Council Members Boney and Vasquez absent.

Ms. Milby Smith, 16 Charleston Park, Houston, Texas 77025 (713-664-4068) had reserved time to speak, but was not present when her name was called. Council Members Boney and Vasquez absent.

Ms. Jackquelyn Ballard, 3420 Ozark, Houston, Texas 77021 (713-522-4739) had reserved time to speak, but was not present when her name was called. Council Members Boney and Vasquez 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 Boney and Vasquez absent.

Mr. Jim Southerland, 16918 Rolling Acres, Humble, Texas 77396 (281-446-8112) appeared and stated that he was president of Heathridge Homeowners Association, that they had a problem, that they lived in far northeast Houston and were annexed about 30 years ago when they built the airport, the problem had been that they did not get police patrols in their neighborhood, that they had been to the PIP meetings and talked to the police department and had been doing it for six years but their problems were getting worse, that they had a nice community and raised their property values 98% in the past six years, that they were trying to keep a good neighborhood, that they had young adults that were hanging out in their park, that he wanted to emphasize it was a private park, that Council Member Yarborough had tried to get them a park but due to bureaucracy they could not do it so they built their own, that a City vehicle was damaged this week because of some problems out there, that his vehicle was damaged, but it went on, that there were a lot of citizens that expected to see the police but they did not get a police car that went by once a shift, that they were out by Intercontinental Airport and noticed when they left their subdivision that the police went from the airport down I59 to Denny's on a regular basis, but they were Airport Police and did not go to his neighborhood, that they saw police going to and from Kingwood on a regular basis but they did not go to his neighborhood, they usually had two policemen in the northeast and he understood about priorities, and these two policemen could not handle it all, that he had started at the bottom and worked his way up and was now present at City Council and he did not understand why he should even be at City Council, that it should have been taken care of somewhere else, but at the PIP meetings they explained their priorities and he understood that, but there had to be something done, that in the past five years his subdivision had increased their taxes four times, that they doubled their size and tax values and were bringing more money into the City but not one policeman, that the last time they got real police patrol, 35 people showed up at a PIP meeting, that they were there for about two weeks, that he would think they could see one policeman per shift, that he was hoping to see something happen, if not they could do what they had done already on their own, that they had their own security from 8:00 a.m. to 4:00 p.m., if they checked the crime statistics they did not have any problems during that time. Council Members Boney and Vasquez absent.

Council Member Galloway stated that she agreed with Mr. Southerland, that she had never seen one officer patrolling that area since she had been going out there and they had some home breakins in that area as well, that she would like to encourage that they have an officer at least go through there and let them know that they had some men in blue out there in that community and thought that would be a deterrent. Council Members Boney and Vasquez absent.

Mayor Brown stated that Council Member Galloway did contact the police chief on behalf of his neighborhood, so someone from the chief's office should be meeting with him very soon to make an assessment of what needed to be done to address his concern. Council Members Boney and Vasquez absent.

Ms. Claire Nonmacher, 7706 Meadowview, Houston, Texas 77037 (281-999-2112) appeared and stated that she had a handout for the Council Members and that she was President of Meadow Link Civic Club, and asked people from her area that were present in the audience to stand up, that she was present with her family, that their civic area was located off of I45 and Little York, twelve minutes from downtown and were about 225 homes, about 50% Hispanic and 50% White and Black, that they needed each of them on City Council to do something about their flooding, that before dismiss what they say by saying that all of Houston flooded June 8, 2001, she just wanted to say that they now knew what they went through every two years, that they were not on a flood plain but every two to three years their homes flood, that

as far as she knew every single home in their neighborhood flooded, except for Reverend Gibbs, that about three years ago City Council paid WCBC Civil Engineers to investigate their recurring flooding, that the study was in place and she had passed out a copy, that the problem was that the State of Texas had seven culverts of water that headed toward their neighborhood and were supposed to take a right turn at CR101, so it was a State and County problem and then it went into White Oak Bayou down to one culvert, that the problem was twofold the water did not know to take a right, there was just too much water, and secondly she wanted them to tell her how seven culverts of water could funnel down into one, that additionally Atlas Sign Company owned the property pictured on a chart she displayed and the pond was supposed to be kept drained to help with the flooding and the owner would not keep the pond drained and they had asked over and over and he would not keep it drained, that it was 16 foot deep and about 16 foot wide, that it would help but not solve the problem. Ms. Nonmacher continued to read solutions from a drainage report that she handed out to Council, and stated that (1) she wanted the City Council to set up a committee to get the City, County and State to implement the study and get federal funding, that (2) she wished they could force Atlas Sign Company to keep the pond drained, (3) to please make public pleas to apartment owners to let people rent for one to two months during the crisis so that the flood victims could find temporary housing, (4) that FEMA trailers needed to be able to park in front of the house, even on the right-of-way, that to implement the study would take \$4.2 million and the money was there, but it was just being wasted on repairing homes rather than solving the problem. Council Members Boney and Vasquez absent.

Mayor Brown stated that he would ask Mr. Richard Cantu to meet with her and provide all the assistance they could for whatever she needed, that secondly he was told that the plans and specifications were 100% complete right now and there was a need to purchase one more parcel and then they could actually start the construction which was progress that was being made, and he wanted to make sure that his office along with Mr. Cantu meet with her and work with her personally to make sure that they do what they could to take care of her issue. Council Members Boney and Vasquez absent.

Council Member Bell stated that she should continue to take advantage of his office staff members and they would continue to try to work with her in any way they could to get her the information she needed and anything else they could do. Council Members Boney and Vasquez absent.

Council Member Galloway stated that everyone was proud of the work that she did out in the Meadow Link subdivision and hopefully they could get something resolved. Council Members Boney and Vasquez absent.

Council Member Parker stated that she wanted an answer to the rules on detention ponds and if someone had one why they could not enforce their drainage of the ponds. Council Members Boney and Vasquez absent.

Mr. Jack Nonmacher, 7706 Meadowview, Houston, Texas 77037 (281-999-2112) appeared and stated that he was the Secretary of the Meadow Lind Civic Club, that his wife had pretty well covered everything that he was going to say, that their neighborhood flooding problem was somewhat unique and was not due to a tropical storm or a random act of nature or even being in a flood plain, that they were suffering from a poor engineering design and a poor handoff between TXDOT, the County and the City, that the problem did not even exist until I45 was widened in the late 1980's, that they flood three times in the last five years, that the glue that held their multi ethnic community together was the attempt to try to combat the flooding issue, that they had come to City Council before, that what they needed now was action and a way to implement the solution that had been recommended by the WSBC Study that was

recommended by the City, that he was asking the City to do three things, (1) designate a champion for them to keep them informed on the progress, the obstacles and their solutions toward actually completing the remediation, and (2) that the City would aggressively help appropriate the necessary funding, and (3) that their neighborhood be given a completion date on the project. Council Members Boney and Vasquez absent.

Council Member Galloway stated that she had done some investigation on the problem and was able to get in touch with the Harris County Flood Control District and they sent her a synopsis of what had been going on in regard to the problem once the study was completed and in that regard she wanted him to know that the Harris County Flood Control was already pursuing right of way acquisitions as well as utility relocations and they say that the plans and specs were 100% completed and the only outstanding issue was a right of way in which one parcel was yet to be acquired and they anticipated the construction in the later part of the year between September and December in order to eliminate the problem of flooding in the area, that this project would take approximately 5 years from the development of the plan to have everything completed. Council Members Boney and Vasquez absent.

Mayor Brown stated that the process was working and it should not take any citizen intervention to do that, that there were no City Ordinances that would prevent anyone from renting an apartment for a day or a month, there were no prohibitions. Council Member Vasquez absent.

Mr. Ray Murdock, 5210 Briarwick Lane, Houston, Texas 77016 (713-240-0440) appeared and stated that he was present because of an incident that had put stop signs on everything that he had tried to accomplish, that his record was hurt because he rented a car for a relative of his who did not return the car when he finished taking care of his family business, that he found out that the relative did not return the car by the policeman who arrested him and charged him due to the fact that he used his credit card to rent that car, that he took what the judge gave him because he could not afford a lawyer and the charge was auto theft, that he was given deferred adjudication and the charge was reduced to a misdemeanor, that he applied for work at the Houston Fire Department in good faith and put all his criminal history down which was the first step and went through all the procedures and even pulled his certificate of disposition which did not show any felonies, that all he was asking was for them to see that he was totally innocent in this matter, that he would like to work hard for the things he wanted and to have a fair chance at life, that he really wanted to work for the Fire Department but was rejected because of the felony, which he appealed. Council Members Goldberg, Vasquez and Sanchez absent.

Mayor Brown stated that Chief Sims from the fire department was present and he would ask him to meet with him and explore any options that he might have, that he would work with him, and if there were some opportunities for something to be done he would advise him and work with him. Council Members Goldberg, Vasquez and Sanchez absent.

Ms. Cynthia Horton, 6575 Ashcroft, No. 1107, Houston, Texas 77081 (713-778-1522) had reserved time to speak, but was not present when her name was called. Council Member Goldberg, Vasquez and Sanchez absent.

Ms. Evelyn Ryan-White, P.O. Box 87379, Houston, Texas 77017 (713-641-2506) appeared and stated that she had a hand out for the Mayor, the Council Members at Large and for Council Member Castillo, that she wanted to thank the Mayor for the assistance of his staff, Ms. Rocha, for initiating some much needed cleanup in their neighborhood, that she was present to find out when they could expect the sidewalk construction in Meadowbrook that they had been told would take place in March to facilitate access to Chavez High School, that on March 23, 2001 she

drove through the neighborhood with Mr. Mike Cordova, the Senior Project Manager with Public Works, with Mr. Charles Goodin, Consulting Engineer, for five hours and discussed sidewalk construction, that her role in all this, as she understood, was to contact members of her community who would be affected by the construction of sidewalks, that the reason that they did this in March was because it was her understanding that the bids were going to be let in April, the first week in April and the construction was to begin in early summer, that she received e-mail with Mr. Warren Arthur with the EPA in Dallas who was investigating the allegations that had been raised concerning Chavez High School and one of the issues in question was access to the high school, so Mr. Arther had scheduled a conference call tomorrow morning at 10:00 a.m. and she asked if there was anyway that someone could tell her when they might expect the sidewalk construction to begin. Council Members Tatro, Galloway, Goldberg, Vasquez and Sanchez absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Gary Norman, Public Works, would meet with her and they would find an answer for her, that it was part of the Neighborhoods to Standard Program so they knew it was going to happen, but the question was when. Council Members Tatro, Galloway, Goldberg, Vasquez and Sanchez absent. (NO QUORUM PRESENT)

Ms. Mary Ella Boone, 4330 S. MacGregor Way, Houston, Texas 77021 (713-748-6818) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Goldberg, Vasquez and Sanchez absent. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-494-4094) appeared and voiced his personal and financial opinions until his time expired. Council Members Galloway, Vasquez and Sanchez absent.

Ms. Ernestine Ford, 1117 Bailey #2, Houston, Texas 77019 (713-571-5379) appeared and stated that that she was a parent of a student in an Houston Independent School District school, that she had been treated very unfairly and her kids were not getting the education they deserved at Gregory Lincoln, that everybody was always talking about revitalizing the Fourth Ward, that she had been in the Fourth Ward for 25 years and felt if they were going to revitalize the Fourth Ward they needed to revitalize the school district and the school because the school that her children went to was not at all up to par to what it was supposed to be, that she had a third grade child that was reading on the kindergarten level and when she goes to the school to tell them about it they constantly tell her that there was nothing that they could do, that it was her problem, but how was it her problem when she sends her child there eight hours a day to get their help and when she comes home she tries to do all that she can for her, but it seemed that they turned them off like if her child was a special education child, that if that were the case then every child at Gregory Lincoln should be a special education child, that she had a bunch of complaints against them, that she had another one where her six year old child had been handcuffed by the school police for no reason at all, that when she went to address it they told her there was nothing they could do about that, they told her that her son was bad, that all children are bad but they were not supposed to call children bad they were supposed to call them mischievous, that they said her son was emotionally disturbed and she took her child to Texas Children's to get him tested to see if he was emotionally disturbed and she was told no, that he was not emotionally disturbed that he was somewhere where he was not getting any attention like he was supposed to be getting in the school district, that right now her son was in second grade and still could not read, that when she tried to transfer her son out they would not let them transfer their kids out of Gregory Lincoln because they said if they did the school would be closed down, that she was present as a parent to ask what did she need to do when she had already gone to Houston Independent School District three to four times and still had not gotten a response, that they kept putting all the blame on her, like she was the only one who was

supposed to teach her child, that if that were the case she could keep her kids home and then there would be more money taken out of Houston Independent School District, which they needed all the money they could get to try to educate their children, that she thought it was unfair to the kids, that she wanted to see what could she do as a parent to try to get her child a better education when she could not transfer her child to another school because this school was not up to par, that they sent her a paper through the mail saying that her child was able to go to another school as long as she could get him there, but instead she was not getting any help, that they told her it was not their problem, that she had to deal with the superintendent of that district, that central district treated them like dog dodo over in the Fourth Ward area, that they said that they were nothing but a bunch of drug dealing people, that she did not sell drugs, that she stayed home with her seven kids and it hurt her so much to see her child suffer because her child may never catch up with other children the same age, that what was she supposed to do as a parent, was she supposed to let her child continue to be taught like he was illiterate.

Mayor Brown asked Ms. Ford if she had ever gone before the Houston Independent School District Board of Trustees, and she stated yes, that she had been there three times and had not had any results yet, that they kept referring her back to Ray Ronald who told her it was her problem, that she was wondering if the City Council could step in and help the children of the Fourth Ward, because their children were going to be illiterate while everybody else's children would be able to read at third and fifth grade levels like they were supposed to be, and Mayor Brown stated that the City Council did not have authority over the school district or the districts in the City, and Ms. Ford asked if there was any way that the City Council could try to reach Dr. Strickland to let her know that they were concerned parents, that everybody was not out there dealing drugs, and Mayor Brown stated that what he could do was contact Dr. Strickland and tell her that Ms. Ford was present at Council and the concerns that she brought to the City Council's attention and request that she take a look at the concerns, that he would ask that she have someone contact Ms. Ford and sit down with her and other parents that have the same concerns and see what could be done to address the concerns, that he would make that contact for her. Council Members Galloway, Vasquez and Sanchez absent.

The City Secretary announced that she had received a note from Mr. Richard Cantu, Director, Citizens Assistance Office, which stated that Ms. Michele Marks would like to speak in place of Ms. Randle.

Mr. Charles Hernandez, 412 Drew #11, Houston, Texas 77006 (713-521-7841) appeared and read from a prepared statement which stated they had a concern of enormous proportion, that the Houston Independent School District had established a policy of giving parents the run around and failing to exercise proper oversight of the education process their children were being subjected to, that Houston Independent School District had established a Code of Student Conduct which they have summarily disregarded, even gone in the face of, that they had used collusion to prevent their students from transferring to more adequate schools, even when they met the admission criteria of the other school and had space available, that they had failed to establish training programs for new teachers and new administrators and were hiring inadequately trained and inexperienced teachers, that they were failing to provide a safe school environment, that his second grader had received three bloody noses last year, that a child was run down at the corner of the school in part due to lack of adequate safety cones, crosswalks and failure by the City to establish proper hours of operation for school zones and lack of adequate policing of the school zones, that they were not following their established Code of Student Conduct, that they were repeatedly switching their outlook at Gregory Lincoln Education Center located at Taft and W. Dallas, that they had been discussing closing the school for years as the reason for failing to keep the school clean, that they were requesting that a proper open evaluation be done to identify the best course of action, that they were asking the Mayor and City

Council to see that Houston Independent School District stopped ignoring, disregarding and sweeping under the carpet their failure to meet the needs of the students. Council Members Galloway, Vasquez and Sanchez absent.

Mayor Brown stated that he would correspond with the superintendent. Council Members Galloway, Vasquez and Sanchez absent.

Ms. Joann Randle, 1111 Ruthglen, Houston, Texas 77019 (713-759-9599) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Vasquez and Sanchez absent.

Council Member Boney moved to suspend the rules to allow Ms. Michele Marks to speak in place of Ms. Joann Randle, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd absent due to being ill. Council Members Castillo and Robinson absent on personal business. Council Members Galloway, Vasquez and Sanchez absent. MOTION 2001-0807 ADOPTED.

Ms. Michele Marks appeared and stated that they had heard so far what had happened and she was present to say that it was true, that not only was she a mother but a staff member, that she had been there for 14 years and was let go when she came back from maternity leave because of the fact that she was one of the ones who spoke out, that she was not afraid to speak out and lost her job, that they were Fourth Ward parents, but it did not matter where they came from, they loved their children and they were good parents, that she had been there for a long time and had gotten to know them and the things that happened there she knew it for a fact and it was happening, that she also wanted to say that she had written a letter to the Mayor and several other people and the Mayor was the only one to respond and he sent her a really nice letter and stated that he would look into it and she wanted to say that she appreciated that, that she really hoped that they would listen. Council Members Galloway and Vasquez absent.

Mayor Brown asked if he was correct to say that they had Site Base Management right now, and Ms. Marks said, yes, that the principal did not like her and that was why she let her go, and Mayor Brown stated that he would do what he said he would do for the other speakers. Council Members Galloway and Vasquez absent.

Council Member Boney stated that he would suggest also that she contact the NAACP and the Urban League, that the Urban League had an education department and one of the things they did was try to interface with the school system, that the NAACP had a corps of attorneys who met on Saturday's and provided free legal input on cases and they also had a referral list, that the City did not have the legal authority to take over the school system. Council Members Galloway and Vasquez absent.

Ms. Winnifred Osborn, 5523 Cartagena, Houston, Texas 77035 (713-728-8552) appeared and stated that they had been trying since March to get the word out on Gregory Lincoln, that she was told in January that she had to retire after 41 years or be fired on January 31st, so in order to ease the pain of her suffering she decided the best thing she could do was to come back and help the children and parents of Gregory Lincoln, where she had worked for over 20 years, that they had been to NAACP, and had been to the Houston Independent School Board since March, that she had passed out copies of information that had been given to three City Council Members and they had responded and written to Dr. Strickland and there had been no action done, that in the packet they would find a copy of a report card for Gregory Lincoln, that they were the lowest performing school in Houston Independent School District for the past three years, that they used to be the premier elementary school in Houston Independent School

District, that the students had been abused and destroyed emotionally, verbally, physically and academically, that thirty teachers were leaving out of 49 teachers at Gregory Lincoln, that they wanted the revitalization of Gregory Lincoln, that they wanted to have a school which was equal to the downtown revitalization of Houston, which was the greatest place in the United States, that prevention was cheaper than remediation, that they wanted Houston Independent School District to take immediate action. Council Members Galloway and Vasquez absent.

Mayor Brown stated that what he had stated before that he was going to do applied to her testimony as well and they would include the information she shared as they proceed from here. Council Members Galloway and Vasquez absent.

Ms. Mary Pruitt, 2105 Bluebonnet Place Circle, Houston, Texas 77019 (713-228-2880) appeared and stated that on May 17, 2001 her kids came home from school and her eight year old child stated that someone had choked one of her kids and Ms. Pruitt called and then went to the school but there was nobody there, that she called Houston Independent School District police officer but they pretended they did not know where Allen Parkway Village was and she lived right down the road from Gregory Lincoln School, that she went back to the school and was told the principal was in a meeting, that the security guard was harassing her and she wanted to know why, that her kids were having problems at Gregory Lincoln. Council Members Galloway and Vasquez absent.

Mayor Brown stated that the Council was hearing the message that the speakers wanted them to hear and they were going to follow up on it, that her being present helped them understand the concerns that they had, and Council Member Boney stated that he knew Ms. Pruitt well and had been a strong advocate for children, and Mayor Brown stated that they all viewed education as being the most important thing for the children, if they were going to be successful in life then education was the key to success. Council Members Galloway and Vasquez absent.

Ms. Elizabeth Bazan, 9314 Benthos Dr., Houston, Texas 77083 (281-561-9476) appeared and stated that she had been an education for 20 years and had been in Houston Independent School District for 15 years, that she was also an employee of Gregory Lincoln for 10 years and for political reasons had been moved out, that as a parent and a teacher her concern today with the revitalization of Fourth Ward was that perhaps City Council could help them get some kind of multi purpose center in the neighborhood where they could start having some programs to help meet these parents and children's needs because the school itself had some great programs within the school but they had all trickled away as the new administrations had gone through, that as of now, and she had not been there the whole school year due to some political reasons, they were pretty much down to nothing, that they had the Host Program, which was a tutorial program for reading to strengthen the kids reading comprehension skills to get them ready for the TAAS Test, that they had an entourage of senior citizens coming in and tutoring the kids and 95% to 100% of them were Caucasian and the kids for some reason bonded so well with the gentlemen and ladies that came to the school, and she never heard once of any disrespect from the students towards the tutors, so the program really did work very well, but that program no longer existed, that they had a Lighted School House, which was a program developed to reach the homeless students in the middle school grade level and also reached out to the children of the population of Fourth Ward that needed a place to do their homework and they also started boys scouts through that program because one of the gentlemen that worked in that program started it, but that program no longer existed, that "I Have a Dream", which was a mentorship program which provided students and families with a multiple of resources such as mentoring, tutoring, field trips, counseling and educational experiences, just to name a few, no longer existed on campus, that it was moved out to the Mecca Center at 1900 Kane, which was across Allen

Parkway and Memorial, and this made transportation difficult for the dreamers and the dreamers dreams were trickling away, that she herself had personally started a sports and recreation program, such as track, basketball, swimming and soccer, that actually the Downtown YMCA did most of the swimming and soccer but she would get the students there and passed out the forms for them to join, that she actually manned a basketball team as well, that they had a youth director in the neighborhood that would love to work with the community, but the school would never let him use the facilities, that he still existed out there but had to drive 12 to 15 miles out to the boys club to get the kids a facility to practice their basketball and football skills, that she was asking that they perhaps address some of the needs the parents and teachers were talking about, that if they had a multi purpose center, perhaps maybe at Allen Parkway or where old Gregory used to be, or perhaps if the school could start working hand in hand with the City to get the programs back in their school they would have less discipline problems and have less parents that were irate, that if they could have some parenting classes for these parents they could learn how to raise their children a little bit better, that they could even learn to feed their children a little bit better and get them to bed on time so they would not have discipline problems within the school, that as a City if they could pull these resources together with the school who had the facilities there, she thought they would have less problems and better communications within the school system and with the City, and they wanted to run the Downtown Mayor's Fun Run, they wanted to run all the fun runs, that the kids she ran through her program went to the Junior Olympics quite a bit, so that is why she wanted a multi purpose center, and Mayor Brown asked that she send him a copy of her prepared remarks because she had some good ideas there. Council Members Galloway and Vasquez absent.

Mr. Trent Winters, 7967 W. Airport Blvd., Houston, Texas 77071 (713-781-2260) had reserved time to speak, but was not present when his name was called. Council Members Galloway and Vasquez 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 Galloway and Vasquez absent.

Mr. Donald Buzbee, 14503 Eagle Pass, Houston, Texas 77015 (713-455-7577) appeared and voiced his personal religious opinion until his time expired. Council Members Galloway and Vasquez absent.

Mr. Aubrey Vaughn, 5025 Telephone Rd., Houston, Texas 77087 (713-644-4882) had reserved time to speak, but was not present when his name was called. Council Members Galloway and Vasquez absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that www.galvan.org, that he thought that everything about today that stood out was the new scandal about the meters which were costing about \$50,000 and then they were thrown away, that Mr. Gonzales and Mr. Romero pointed out, that how did they want the citizens of Houston to vote and pass the million dollar bond election when there was so much waste, that he was not going to vote for the bond election, that there was no way, that everyday that he heard about waste and waste and waste there was just no way that he was going to vote for that bond election, that he hoped that the citizens of the Houston would galvanize and defeat that bond election, that he did support Item No. 61, that the citizens of Houston should not discriminate against anyone, because if he and his ex were together and he worked for the City of Houston, he would expect his benefits. Council Members Galloway and Vasquez absent.

At 4:00 p.m. upon motion by Council Member Quan and seconded by Council Member

Tatro, City Council recessed until 9:00 a.m., Wednesday, July 25, 2001. Council Member Todd absent due to being ill. Council Members Castillo and Robinson absent on personal business. Council Members Galloway and Vasquez absent.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, July 25, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, 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; Mr. Al Haines, Chief Financial Officer, Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Council Member Mark Goldberg absent on city business.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:14 Mayor Brown reconvened the meeting of the City Council and stated they would start with the Consent Agenda.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 49

MISCELLANEOUS - NUMBERS 1 through 9

1. REQUEST from Mayor for confirmation of the reappointment of the following to the **AUTOMOTIVE BOARD**, for terms to expire January 2, 2002:
 - Position 8 - **MR. PHILLIP A. GEBHART**
 - Position 9 - **MR. TIM STRANEY**- was presented, moved by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Tatro and Sanchez absent. MOTION 2001-0808 ADOPTED.
2. REQUEST from Mayor for confirmation of the reappointment of **MS. LUECRETIA DILLARD** to Position 1 of the **CIVIL SERVICE COMMISSION**, for a term to expiring June 14, 2004 - was presented, moved by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Tatro and Sanchez absent. MOTION 2001-0809 ADOPTED.
4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF THE GREATER EAST END MANAGEMENT DISTRICT**, for terms ending June 1, 2005:
 - Position 1 - **MR. ROBERT JACKSON**, appointment
 - Position 2 - **MR. REX MORAN**, reappointment
 - Position 3 - **MR. SAMUEL DIAZ**, reappointment
 - Position 4 - **MR. MIKE GARVER**, reappointment
 - Position 5 - **MS. YOLANDA BLACK NAVARRO**, reappointment
 - Position 6 - **MR. JOE LYNCH**, reappointment
 - Position 7 - **MR. ANDREW PEREZ**, reappointment- was presented, moved by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Tatro and Sanchez absent. MOTION 2001-0810 ADOPTED.

5. CONFIRMATION of the appointment of **MR. KASE LAWAL** to Position Three of the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a term to expire two years from date of appointment - was presented, moved by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Tatro and Sanchez absent. MOTION 2001-0811 ADOPTED.

9. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$15,000.00 for Water & Sewer Accounts for various customers - \$71,850.93 Enterprise Water & Sewer Fund - was presented, moved by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Tatro and Sanchez absent. MOTION 2001-0812 ADOPTED.

ACCEPT WORK - NUMBERS 20 and 22

20. RECOMMENDATION of the Director Department of Public Works & Engineering for approval of final contract amount of \$3,479,880.98 and acceptance of work on contract with **ALSAY, INCORPORATED** for Rehabilitation of Existing Water Wells, GFS S-0200-10-3 (10562) 00.14% under the original contract amount - was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Sanchez absent. MOTION 2001-0813 ADOPTED.

22. RECOMMENDATION of the Director Department of Public Works & Engineering for approval of final contract amount of \$857,301.26 and acceptance of work on contract with **LEM CONSTRUCTION COMPANY, INC** for Construction of Various Improvements to Ground Water Pumping Station (Job 1), GFS S-1000-SE-3 (10263-1a) - 02.12% under the original contract amount - **DISTRICT D- BONEY** - was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Sanchez absent. MOTION 2001-0814 ADOPTED.

PROPERTY - NUMBER 23

23. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Julie Doan, on behalf of Chau Thanh Lap, for abandonment and sale of a portion of Tasco Street, from Coyle Street east ±150 feet to its dead-end terminus, between Blocks 1 and 8, Townsite of Jeannetta, Parcel SY1-056 - **STAFF APPRAISERS - DISTRICT C - GOLDBERG** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Sanchez absent. MOTION 2001-0815 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 32 through 46

32. ORDINANCE approving and authorizing lease agreement between **WEINGARTEN REALTY INVESTORS**, as landlord, and the City of Houston, Texas, as tenant, for space at 4363 West Fuqua, Houston, Texas, for use by the Houston Police Department - **DISTRICT D - BONEY** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0680 ADOPTED.

33. ORDINANCE amending Ordinance Number 99-0064 to increase the maximum contract amount for a contract between the City and the **UNIVERSITY OF TEXAS M. D. ANDERSON CANCER CENTER** for Cancer Prevention Services - \$48,420.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0681 ADOPTED.
43. ORDINANCE issuing a permit to **HOUSTON CONVENTION CENTER HOTEL CORPORATION**, A Texas Non-Profit, Local Government Corporation, for constructing, maintaining, using, occupying, operating and repairing certain subsurface vault space and aerial encroachments adjacent to Blocks 278, 279 and 288, S.S.B.B., and within portions of Polk Avenue, Clay Avenue, Avenida de Las Americas and Chenevert Street, such space being within public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
44. ORDINANCE awarding construction contract to **D. L. ELLIOTT ENTERPRISES, INC** on low bid of \$2,225,644.84 for Water Line Repair by Point Repair Method, and approving and authorizing professional services contract for engineering testing services with **ASSOCIATED TESTING LABORATORIES, INC** in the amount of \$65,000.00 - (WA10713) - \$2,446,439.97 - Enterprise Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
45. ORDINANCE awarding construction contract to **PHOCO, INC DBA TELEPHONE COMPANY OF HOUSTON** on low bid of \$1,846,228.04 for Water Line Repair by Point Repair Method, and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$48,000.00 - (WA10709) \$2,023,464.00 - Enterprise Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
46. ORDINANCE awarding construction contract to **TROY CONSTRUCTION, L.L.P.** on low bid of \$2,071,887.06 for Water Line Repair by Point Repair Method, and approving and authorizing professional services contract for engineering testing services with **COASTAL TESTING LABORATORIES, INC** in the amount of \$48,000.00 - (WA10710) - \$2,264,919.15 - Enterprise Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
- 48a. ORDINANCE authorizing creation of the Series C Commercial Paper Storm Drainage and Overlay Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
- 48g. ORDINANCE appropriating \$1,908,400.00 out of Series C Commercial Paper Storm Drainage and Overlay Fund, awarding contract to **ANGEL BROTHERS ENTERPRISES LTD.** and approving and authorizing professional services contract for engineering testing services with **TOLUNAY-WONG ENGINEERS, INC** for construction of Street Overlay Project Generic Package IV - Council District E, GFS N-1037-34-3 (OL2034); providing funding for construction management and contingencies relating to construction of facilities financed by same 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.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. CONFIRMATION of the appointment by the Fire Chief of the following to the Position of **ASSISTANT FIRE CHIEF** of the Houston Fire Department:

MICHAEL V. IVY
WILLIAM P. LITTLE
RAUL REYES, JR.
GARY M. VINCENT

- was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0816 ADOPTED.

Mayor Brown stated that they had the newly appointed assistant chiefs in the audience and Chief Connealy would like to introduce them.

Chief Connealy stated that after a very lengthy process of reviewing the people who had applied for the positions he truly believed that they had some of the most qualified candidates now that were assistant chiefs, and introduced Chief Ivy, who would be over EMS, Chief Vincent, who would be over Planning and Research Command, Chief Little who would be over Professional Development, and Chief Reyes who would be over Staff Services, that he welcomed these gentlemen to the Houston Fire Department and stated that it would be a great addition and the credentials they had were beyond reproach and would take the fire department to levels they had never achieved before.

Mayor Brown offered congratulations to each of them and welcomed them on board.

Council Member Boney stated that he wanted to congratulate all of the new appointees and asked if this was the appropriate time or later in the meeting, that he understood that the Legal Department had some matters with regard to recruitment and testing of police and fire and would be happy to take it up at another time but would like to discuss that before the meeting was over and to also get a diversity profile of the police and fire services, and Mayor Brown stated they would bring that up later on.

6. RECOMMENDATION from Director Department of Finance & Administration to approve proposed Fiscal Year 2002-2006 Capital Improvement Plan and establish a charge of \$25.00 plus tax and postage for the approved CIP documents - was presented, moved by Council Member Sanchez, seconded by Council Member Boney, and tagged by Council Members Robinson, Boney and Tatro.

Council Member Vasquez stated that he submitted the following written amendment to Item No. 6:

"Below are described proposed amendments to the 2002-2006 CIP for District H. The added project is in support of the three existing economic redevelopment contracts underway in the Near Northside. The proposed amendments require no additional funding.

Project N-0726 Cavalcade Reconstruction – I45 to Studewood

Current: 2001 - \$350D, 2004 - \$2,800C
Revision Move to Candidate Projects List

Project N-0000 (NEW) Collector and Thoroughfare Improvements in the Near Northside Revitalization Areas

2002: \$350D, 2004 - \$2,800C”

seconded by Council Member Keller, and tagged by Council Member Robinson.

Council Member Keller stated that he would like to submit the following written amendment:

“Amend the Street & Traffic Control Candidate Projects, to include Westpark Extension from Eldridge to State HWY 6, which would conform with the 2000 Major Thoroughfare and Freeway Plan and provide a parallel arterial to the Westpark Toll Road”, seconded by Council Member Quan, and tagged by Council Member Robinson.

Council Member Castillo stated that he personally had not had the opportunity to plow through all of the CIP documents and may or may not have any amendments next week and his question was if they could have an agreement that any amendments next week would not be tagged so that every body could have a hearing of their amendment, and Council Member Robinson stated that he was not opposed, that the reason he tagged was that he had sent out a memo with several questions which he had not gotten answers to.

Council Member Boney stated that he would like to tag the main item as well and would like for Mr. Haines or someone to visit him about the CIP and would urge his colleagues to follow the lead of Council Member Castillo and if they had any amendments next week to give them a full run and try to close it out next week to give everybody a chance to digest both the amendments and the main item.

Council Member Tatro stated that he would like to have his tag added to the main item, that they were notified by Public Works that some of the way the CIP came out, for instance they had Park Row, they had construction dollars allocated, but there were actually no engineering dollars allocated or designated as engineering dollars, that they needed to make an amendment on behalf of the administration to clarify it and actually move some dollars from the construction side to the engineering side, that he did not know if that had been made and a revision had come out, but they did have some cleanup of the CIP, that it would be an even money split, there would be no change in the monetary split, and he would appreciate that Council would give due consideration to all amendments.

Council Member Castillo stated that he did not want his tag and comments to be taken as non support of the improved, increased and enhanced CIP proposed bond election, that he truly supported all the expansion that had been mentioned and thought it would work for the benefit of the City. (Note: A tag was not previously recorded by Council Member Castillo)

Mayor Brown stated that he wanted to ask all Council Members if they did have amendments it would be helpful if they could get them to Mr. Haines as rapidly as possible so they could take a look at how it fit in the overall Capitol Improvement Program.

Council Member Bell asked if someone could meet with him about the Stella Link Library Project, that it was originally funded under the Lanier administration and was not moving forward

so he would like some answers to why that was, and Mayor Brown stated they would get someone to meet with him on that. Council Member Boney absent.

Council Member Vasquez stated that he would like to request an update of the 5 year forecast that included the debt payment and long range forecast for this CIP and hoped it would also include the police increase as well, so he wanted a complete picture as possible on the adjustments they made since the last 5 year forecast was actually put out, that he would like something in terms of a meeting and update that for him, and Mayor Brown stated they would make sure it was done. Council Member Boney absent.

7. RECOMMENDATION from Director Parks & Recreation Department for annual supplemental allocation of \$490,000.00 to **EPIC SPECIAL EVENTS** for the Funday in the Park! - General Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez, and tagged by Council Member Robinson. Council Member Boney absent. (Note: Council Member Robinson removed his tag later in the meeting.)
8. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval to set Affirmative Action Goal for participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2001 through September 30, 2002, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0817 ADOPTED.

DAMAGES

10. RECOMMENDATION from City Attorney for settlement of lawsuit styled **GEORGE C. CABALLERO** v. the City of Houston; Cause No. 99-22132; in the 127th Judicial District Court of Harris County, Texas - \$140,000.00 - Property and Casualty Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0818 ADOPTED.
11. RECOMMENDATION from City Attorney for settlement of lawsuit styled **LAZELL-MOSIER** v. the City of Houston; Cause No. 97-51214; in the 113th Judicial District Court of Harris County, Texas \$25,000.00 - Property and Casualty Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0819 ADOPTED.
12. RECOMMENDATION from City Attorney for settlement of lawsuit styled **MARGUERITA F. SEMIEN** v. the City of Houston; Cause No. 98-43357; in the 127th Judicial District Court of Harris County, Texas - \$175,000.00 - Property and Casualty Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Boney absent. MOTION 2001-0820 ADOPTED.

ACCEPT WORK

13. ORDINANCE appropriating \$27,879.00 out of Public Health Consolidated Construction Fund as an additional appropriation for Renovation of Health & Human Services Maintenance Building, CIP H-0022-01-3, under construction contract (approved by

Ordinance No. 99-135) between the City of Houston and **R. T. G. BUILDING COMPANY - DISTRICT H - VASQUEZ** - was presented, , and tagged by Council Members Quan and Keller. Council Member Boney absent.

Council Member Quan stated they had a chance to check with the staff at the facility and understood that the roof was still leaking and that the fire alarm was having difficulty so he would like to tag the item for another week, and Council Member Keller asked that his tag be added also. Council Member Boney absent.

- 13a. RECOMMENDATION of the Building Services Department for approval of Change Order No. 6. in the amount of \$34,699.00, final contract amount of \$609,994.00 and acceptance of work on contract with **R. T. G. BUILDING COMPANY** for Renovation of Health & Human Services Maintenance Building, 3026 Berry Road, GFS H-0022-01-3 - 10.03% over the original contract amount - **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Sanchez, seconded by Council Member Tatro, and tagged by Council Members Quan and Keller. Council Member Boney absent.
14. RECOMMENDATION of the Director Department of Public Works & Engineering for approval of final contract amount of \$335,692.28 and acceptance of work on contract with **JOHN G. HOLLAND CONSTRUCTION CO., INC** for Construction of Hiburly Relief Storm Sewer, GFS M-0231-02-3 (M-0231-02) - 00.79% under the original contract amount - **DISTRICT G - KELLER** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Boney absent. MOTION 2001-0821 ADOPTED.
15. RECOMMENDATION of the Director Department of Public Works & Engineering for approval of final contract amount of \$323,111.19 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-Q4-3 (N-0610A-5) - 02.71% over the original contract amount - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Boney absent. MOTION 2001-0822 ADOPTED.
16. RECOMMENDATION of the Director Department of Public Works & Engineering for approval of final contract amount of \$1,432,954.58 and acceptance of work on contract with **BROWN & ROOT, INC** for Construction of Neighborhood Street Overlay Project in Council District E (OL-239-97), GFS Q-1139-01-3 (Q-1139) - 00.73% under the original contract amount **DISTRICT E - TODD** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Boney absent. MOTION 2001-0823 ADOPTED.
17. RECOMMENDATION of the Director Department of Public Works & Engineering for approval of final contract amount of \$232,335.00 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for Briarwillow Lift Station Rehabilitation, GFS R-0267-35-3 (4275-23) - 04.33% under the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Boney absent. MOTION 2001-0824 ADOPTED.
18. RECOMMENDATION of the Director Department of Public Works & Engineering for

approval of final contract amount of \$2,453,706.59 and acceptance of work on contract with **BRH GARVER, INC** for Sanitary Sewer Rehabilitation in Northwest - CIP/RR, GFS R-1034-06-3 (4260-10) 02.40% over the original contract amount - **DISTRICTS A - TATRO and B - GALLOWAY** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Boney absent. MOTION 2001-0825 ADOPTED.

19. RECOMMENDATION of the Director Department of Public Works & Engineering for approval of final contract amount of \$234,031.00 and acceptance of work on contract with **BORCO OF TEXAS, INC** for Water Well Collection Line between Katy Addicks Water Well No. 12 and 16-inch Water Main west of Upland Rd., GFS S-0100-WC-3 (10449-2) - 11.14% under the original contract amount - **DISTRICT A - TATRO** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. Council Member Boney absent.

Council Member Quan stated that he wanted to commend Public Works on this project, that it was finished on time and under budget and this item moved to Council in a very timely manner for payment. Council Member Boney absent.

A vote was called on Item No. 19. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Boney absent. MOTION 2001-0826 ADOPTED.

21. RECOMMENDATION of the Director Department of Public Works & Engineering for approval of final contract amount of \$7,025,725.00 and acceptance of work on contract with **JALCO, INC** for Construction of 48" Water Main Along Clinton, Lathrop and Majestic, GFS S-0900-35-3 (10506) 04.05% over the original contract amount - **DISTRICTS H - VASQUEZ and I - CASTILLO** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0827 ADOPTED.

PROPERTY

24. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Adell Bradly Jr., on behalf of Braulio Frank Gallegos, for abandonment and sale of a portion of a 10-foot wide easement, located within Lots 1, 2, 16 and 17, in exchange for the conveyance to the City of a 10-foot-wide sanitary sewer easement located within Lot 17, both within Block 1, Golfview Manor Addition, Parcels SY1-068 and DY1-033 - **STAFF APPRAISERS - DISTRICT I - CASTILLO** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0828 ADOPTED.
25. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY0-70, located at 2402 Telephone Road, owned by Thuc Thi Nguyen, and husband, Phuong Phi Nguyen, for the **TELEPHONE ROAD RECONSTRUCTION PROJECT from Lawndale to Gulf Freeway**, CIP N-0611A-40-1 - **DISTRICT I - CASTILLO** - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0829 ADOPTED.

PURCHASING AND TABULATION OF BIDS

26. DECLARE **HBS NATIONAL CORPORATION** non-responsible for a period of 12 months - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0830 ADOPTED.
- 26a. ORDINANCE awarding the contract to **RICHWIN, INC** for Cleaning & Janitorial Services for Houston Airport Services Complex/Remote Buildings at George Bush Intercontinental Airport/Houston and facilities at Ellington Field; providing a maximum contract amount - 3 Years with two one-year options - \$636,180.40 - Enterprise Fund - **DISTRICTS B - GALLOWAY and E - TODD** - was presented.

Council Member Galloway moved to consider Item No. 26a to the end of the agenda, seconded by Council Member Keller. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0831 ADOPTED.

27. **HUITT-ZOLLARS, INC** - \$80,000.00 and **BROWN & GAY ENGINEERS, INC** - \$80,000.00 for Professional Services to Perform Damage Assessments for Homes within Houston - Disaster Recovery Fund - was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. Council Member Castillo absent.

Council Member Tatro asked if someone was available to answer questions on the Buyout Program and the City's participation in it, that the question basically was the co-participation, that he understood that the City or the County in the jurisdictional boundaries would be required to participate a certain percentage, 25% or 20% towards the purchase of any residence that was bought out and asked if that was the case, and Mr. Haines stated that the program was that those who were identified as being eligible and who made the determination to participate in the Buyout Program under the National Flood Insurance Program would be eligible for 100% buyout, that 75% would be funded through the FEMA Flood Insurance Program and 25% through the Harris County Flood Control, that right now all of the projects went through the Harris County Flood Control and then into FEMA for reimbursement from both jurisdictions, and Council Member Tatro asked that someone visit with him on that.

A vote was called on Item No. 27. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0832 ADOPTED.

RESOLUTIONS AND ORDINANCES

28. RESOLUTION authorizing certain Police Department Administrators to obtain regular exempt license plates on certain Police Vehicles - was presented.

Council Member Boney stated that he was not sure he understood the item, and Mayor Brown stated that some of the undercover vehicles had regular license plates so they could not be identified as a police vehicle and in the past individuals were designated to sign off on it, that this would designate a position to sign off on it because individuals may retire.

A vote was called on Item No. 28. All voting aye. Nays none. Council Member Goldberg absent on city business. RESOLUTION 2001-0032 ADOPTED.

Council Member Robinson stated that he wanted to remove his tag on Item No. 7, and Mayor Brown stated that they would vote on Item No. 7 at the end of the agenda.

29. ORDINANCE amending **ARTICLE VI OF CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulation of the location of the Hotels; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability - was presented, and tagged by Council Member Galloway.
30. ORDINANCE consenting to convert Porter Water Supply Corporation, a Non-Profit Rural Water Supply Corporation, to a Special Utility District pursuant to Chapter 65 of the Texas Water Code to be known as the **PORTER SPECIAL UTILITY DISTRICT** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0682 ADOPTED.
31. ORDINANCE approving and authorizing lease agreement between **HOUSTON WAYSIDE BUSINESS CENTER, LTD.**, as landlord, and the City of Houston, Texas, as tenant, for space at 4300 S. Wayside, Houston, Texas, for use by the Department of Public Works and Engineering **DISTRICT I - CASTILLO** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0683 ADOPTED.
34. ORDINANCE approving and authorizing agreement terminating a Tax Abatement Agreement between the City of Houston and **PRISM PRODUCTS, INC** and **ACPI, LTD.** - **DISTRICT I - CASTILLO** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0684 ADOPTED.
35. ORDINANCE approving and authorizing first amendment to Rehab Loan Agreement between the City and **BEECHNUT ASSOCIATES, L.P.**, et al., approved by Ordinance No. 97-758, such amendment to allow a sale of five Rehabilitated Apartment Projects to Goodson Drive, LLC upon terms and conditions provided in the amendment - **DISTRICTS B - GALLOWAY and F - ELLIS** - was presented, and tagged by Council Members Ellis, Castillo and Parker.
36. ORDINANCE amending Ordinance Number 00-0686 to increase the maximum contract amount for the Temporary Service between the City and **A-TEMPS, INC, A-1 PERSONNEL, INC, ACCURATE PERSONNEL, INC, ALL TEMPS PERSONNEL SERVICE, INC, BESTSTAFF SERVICES, INC, EDUCATIONAL LEARNING AND ENRICHMENT CENTER, INC, EXCLUSIVE TEMPORARIES, INC, EXECUTEAM CORPORATION, G & A STAFFSOURCHING, INC, JUANELL STEELE & ASSOCIATES PERSONNEL SERVICE, INC, MODERN TEMPS, INC, SILVER & ASSOCIATES, INC, BERGAILA ASSOCIATES, INC, CRINER-DANIELS & ASSOCIATES, INC, DATALOGIC, INC, ELITE COMPUTER CONSULTANTS, INC, JEFFERSON ASSOCIATES, INC, AND MANPOWER PROFESSIONAL SERVICES, INC**, containing provisions relating to the subject - \$9,000,000.00 - Central Service Revolving Fund - was presented.

Council Member Keller asked if this was in the 2002 Budget and Mayor Brown stated that was correct.

A vote was called on Item No. 36. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0685 ADOPTED.

37. ORDINANCE approving and authorizing a lease agreement between the City of Houston and **SG/TRANSWESTERN, LTD.**, for unimproved land at Ellington Field; containing

provisions relating to the subject - **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0686 ADOPTED.

38. ORDINANCE approving and authorizing agreement between the City of Houston, Texas and **AIRPORT DEVELOPMENT CORPORATION** to Facilitate Participation by the Department of Aviation in submitting a bid for Privatization of the current Airport and the proposed Airport in Quito, Ecuador; providing for authorization of the Mayor to execute other related documents; authorizing the formation of a non-profit corporation - was presented, and tagged by Council Members Tatro and Robinson.

Council Member Castillo moved to suspend the rules to hear from Mr. Vacar, Director, Aviation Department, relative to Item No. 38, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0833 ADOPTED.

Mr. Vacar stated that the number one reason for the item, according to Mr. Haines, was to make money, that as they recalled sometime back about a year and a half they were approached by the Bectel Corporation to participate with them in a privatization effort for 13 airports in north central Mexico and they went through the process and eventually Bectel for various reasons decided not to get into the project, that subsequent to that they had been approached by other entities to add their expertise to a variety of projects and this particular one in Ecuador was for the airport system to join up with essentially the government of Canada Corporation to provide expertise in the operation of the Quito airport and eventually participate in helping them design and operate a new airport there, that generally this would require that the airport system enter into an agreement with a stand alone operating company, and Mr. Hank Coleman, Vinson and Elkins, was present to explain the liability issue, that the airport system engaged in a contract with the HAS Development Corporation, which would be formed, and they would provide through that development corporation certain services, mostly consultant services, and the HASDC would become part of the concession that would be awarded at Quito by the Corporation Airport Del Quito; that generally they looked to spending, during the due diligence part of this in the beginning, about 100 hours of staff time for which the aviation system would be recompensed at about 1.8 times the salary benefits level and thereafter the agreement would call for a 2 times factor for any time spent by HAS staff on these projects, that in addition to that the development corporation would receive a \$200,000 per year fee plus expenses and also with the concession, which would be entered into later on, a 5% of the equity of the total package, but for every instance here the Houston Airport System, the City, would be reimbursed for any of its activities and there would be no additional cost to the City and the HAS Development Corporation would provide liability protection toward any activities that would occur as part of those operations; that he had two points to make, that one, the Bectel deal that they were talking about with the Mexico airports anticipated putting together a stand alone operating company, in fact, they had reserved the name HAS Development Corporation for the earlier deal so this was very similar, that the reason they did that was for liability protection for the City.

Upon questions by Council Member Tatro, Mr. Vacar stated that none of the contracts or business ventures would come back to Council for approval or authorization, that what had been anticipated was that there would be a board of directors formed in the corporation, that for liability reasons could not give the majority control to the City, if the City were to have majority control of the board of that corporation then they could pierce the liability availed of that corporation, that with the airport system as a backer Council would not have authorization or authority over the different business ventures that this non-profit organization would enter into, not unless there were special circumstances that would require a different kind of contract between HAS and the

development corporation, that it had been anticipated that the Aviation Director would be an automatic appointee of the board of directors and it would be a three member board.

Upon questions by Council Member Boney, Mr. Vacar stated that if Council approved the agreement and ultimately a Quito, Ecuador contract was executed the new development corporation could sign another agreement with another city and another country without coming back to Council and it was necessary to protect the liability issue, and Mr. Hank Coleman could probably better explain it if they would like for him to give the reasons that it needed to be organized like this, that the reality of what the corporation was trying to do in the economic development role was to also bring money into the system and do so in ways that were not embarrassing for the City, the Aviation System or anyone else, that he did not think the kinds of deals that the corporation would be getting into would be pure profit motivated, he thought they would be substantially related to economic development for the City of Houston, that they might have sort of a policy that they agree to what the objectives of the corporation were, that with the Aviation Director being one of the three on the board and working for the Mayor he was not sure that they would be venturing all that far.

Upon questions by Council Member Robinson, Mr. Vacar stated they would pay the Airport System Development Corporation a fee and that fee would be reimbursed to HAS for any expenses that HAS incurred, or labor or whatever during the process, both in the preliminary stage and subsequent to the award of the concession, that the corporation did not exist yet and the only place that they had gone was to reserve the name at this point, that if Council voted for the item that was authorization to create the corporation, and Council Member Robinson stated that he was interested in finding out what was the difference between the Water Corporation, the Hotel Corporation and the Aviation Corporation such that some of the authority or oversight that they had exercised in the case of the first two corporations they could exercise none as regards to the Airport Corporation, that what was so unique that they could not exercise any oversight, that he would like something in writing, that he was concerned about oversight of the corporation, and Mayor Brown stated that they would have Mr. Coleman write something that would explain all of that, and Council Member Robinson stated that he certainly wanted Council to have the authority along the lines of what they had in the Water and Hotel Corporation to be part of the process of appointing and confirming members of the board, and would like some clear language about any kind of financial transactions between the Aviation Department, one of the biggest Enterprise Funds they had in the City, and any stand alone development corporation, that he was not comfortable voting to authorize them to create a corporation without at least having had the chance to look at it and visiting with the people they wanted to recommend to serve on the board.

Council Member Todd stated that he thought it was an enormous compliment to the City that these other airports were asking them for advise on how to better develop their resources and stated that he was in favor of it in principle and knew that there had been some questions raised about whether or not this was an appropriate thing for a public entity to be doing, and asked that in doing business in Latin America or elsewhere throughout the world the majority of these entities they were dealing with had wanted to have some public participation on the U.S. side, and Mr. Vacar stated that was correct and without public participation they really would not want to do the deal with them, that it was a fairly common phenomenon around the world, that it seemed to be that most of the governments that had been interested in privatizing any kind of facility had been more comfortable when another governmental agency was involved in it, it was a government to government thing, that it was across the board, not just airports but other kinds of infrastructure.

Upon questions by Council Member Ellis, Mr. Vacar stated that the only member of the

501C would be the Houston Airport System Development Corporation and was a stand alone company and was an independent entity, that the relationship to the Airport System would be a contract for services between the Airport System and the entity, that the entity then would contract separately and become a part of what they call a holding company, which would be the operator to concessionaire venture in the Quito project once awarded. Council Members Todd and Quan absent.

Council Member Ellis moved to suspend the rules to hear from Mr. Hank Coleman, Vinson & Elkins, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Todd and Quan absent. MOTION 2001-0834 ADOPTED.

Council Member Ellis stated that they were going to put together a 501C3 corporation, which was going to be a private entity, which they were going to loan employees to work through, of which all the revenues that were generated from that 501C3 were then going to go back into the Houston Airport System, with that said if someone wanted to go sue that private corporation then they would actually go after the deep pockets which would be the Houston Airport System because they were receiving the revenues from this contract, Mr. Coleman stated that his premise was not exactly correct but he very much appreciated his teeing up the issue because he had properly characterized the issue, that what they had tried to do was be mindful of the desire for installation from liability, yet trying to make sure that the Houston Airport System could capture the majority of the economic benefits since it was the entity that had the expertise, that what was proposed was that there be an independent corporation, and he thought there was some misunderstanding about that, that for the City's benefit they recommend that the City not establish the corporation, that it be established as a non-profit corporation with the Secretary of State, that it would not be like the Hotel and Water Corporations, that it would have a majority of independent members on it that were not appointed by the City because they would want it to be an independent corporation and that was their protection, and that was why, as Mr. Vacar said, it as an independent corporation had the power to enter into contracts, but their control was that the corporation, without its backup contract with the Aviation Department, was probably not going to get hired to do anything, that the control was the contractual control and not the organizational control, and that was why this item had two parts to it, it was to approve the creation of the corporation with the participation of Mr. Vacar, that even though he would be a minority member he could be the chairman, but they wanted other independent individuals to constitute the majority of the board of directors to achieve that insulation from liability, and Council Member Ellis asked if his firm was ready and prepared to guarantee them that if the City of Houston sued were they going to represent them in that lawsuit, and Mr. Coleman stated that if their group was selected in Ecuador that a condition to finally letting the HAS Development Corporation enter into the contract was that their firm would issue an opinion to the City Attorney laying out all of the issues with regard to legal liability, that Vinson and Elkins was prepared to give their opinion. Council Members Todd and Vasquez.

Council Member Sanchez stated that the real inherent benefit was the expertise that they brought to the table along with other countries in terms of rehabilitating and enhancing the safety systems at a lot of these airports, and asked Mr. Coleman what would be the City of Houston's policy, if under apartheid the Canadians wanted to enter into an agreement with Cape Town and the Houston Aviation Department was part of it, how did they extricate themselves from that and was that a policy decision that was made independent of the will of Council, and Mr. Coleman stated that he believed for the independence issue that they talked about, the liability insulation, they would not want to exercise their power over HAS Development Corporation, however, HAS was subject to review by City Council, its budget was subject to approval by City Council and he was sure, if they wished, there were ways that could be worked out that HAS, under its contract,

would not agree to work on any project that was objectionable to City Council, and Council Member Sanchez stated that over the next couple of weeks they had to craft some language that sort of insulated the City from violating any U.S. policy. Council Member Todd absent.

Council Member Bell stated that he wanted to thank the Aviation Department for the way they had handled this particular proposal, that he appreciated the Aviation Department taking the time to meet with most members of Council to go over various concerns, that he thought that it was a more prudent course of action and most of his questions were answered. Council Member Ellis absent.

Council Member Tatro stated that they kept talking about the financial benefit to HAS and asked where was that financial benefit, and Mr. Vacar stated that the business transactions would be done by the HAS Development Corporation and the stand alone contract between the development corporation and the Airport Enterprise Fund was the vehicle that gets the money into the fund, that this particular project, once the concession was in order, the fee to the development corporation would be \$200,000 per year plus an equity stake of 5%, that what happens was that whatever flow of funds they had in the development corporation, minus any expenses that the development corporation had to operate, the difference of that would be reimbursed to HAS, probably on an annual basis, but the equity would remain in the corporation, unless the board of directors indicated that some of the equity would come back as well, that the nice thing about this particular arrangement was that they actually had a way to fund up the development corporation without having to advance any monies to the corporation, which was an issue they had discussed, and Council Member Tatro stated that based on what he had just said about the flow of funds and the operating costs versus any of their revenues and what additional equity would come back, he would like to see that because he wanted to know the money making aspect of this, was it just a cost reimbursement issue to HAS and the profits of any joint venture go to the non-profit or was it a percentage issue that they were looking at the non-profit sharing with the City of Houston, that he wanted clarification of that, and Mr. Vacar stated they could do that.

Upon questions by Council Member Robinson, Mr. Coleman stated that he did not mean to second guess what was done with the Hotel and Water Corporations, that those were done under Texas Law, that it was very clear what the laws were in Texas and those transactions were very carefully analyzed and scrubbed, that in these proposed transactions, which were not only outside the State of Texas, they were outside the United States, they recommend an even higher level of security, and Council Member Robinson asked Mr. Coleman to put it all in a written opinion for him and Mr. Coleman stated that he would be pleased to, and Council Member Robinson asked Mr. Vacar if they had a draft of the proposed contract between the corporation and the Aviation Department and could they get a copy of it and Mr. Vacar stated yes, that they would get him one, and Council Member Robinson asked who drafted that contract, and Mr. Coleman stated that it was a combination of their firm and the Legal Department, that the Legal Department assisted with the indemnification's, and Council Member Robinson stated that he did not want the person who sets up the corporation negotiating the contract on behalf of the City, and Mr. Vacar stated that the contract between the development corporation and HAS would come to Council for approval, that the development corporation negotiation with the consortium was done by the Aviation Department and not V&E, that they were negotiating the concept of the deal, the terms and conditions, anticipating that the Council would eventually approve the right to create the corporation which would then take over, that as he recalled the way it was structured right now there could actually be reimbursement directly into the HAS system until the corporation was formed, at which point the corporation takes over that.

Council Member Boney asked if there was a problem in sharing the draft of the Articles of

Incorporation with Members of Council before they vote on it next week, and was there any difficulty in sharing the proposed contractual relationship between HAS and HASDC before they voted next week, and Mr. Coleman and Mr. Vacar stated no, there was no problem, and Mr. Coleman stated that he would be happy to do a memorandum for next week, but the Legal Department also requested an opinion if the group was selected before the contract was entered into so at that point they would understand all of the elements of the concession agreement and then give a more comprehensive analysis, and Council Member Boney asked them to outline the financial structures.

After further discussion by Council, Mayor Brown stated that Item No. 38 was tagged; that they had a number of interns working in the Legal Department over the summer and this was their last week with the City and asked Mr. Hall to recognize them so they could express their appreciation for their services.

Mr. Hall stated that they were very pleased that for a number of years the City of Houston Legal Department had operated an internship program for a six week period during the summer, primarily for law students, but also to include some senior level college students and some recent high school graduates in college, as part of their program to introduce them to what they do, that they were proud of what they had done, and recognized Ms. Adrienne E. Crispin, Ms. Crystal Moody, Mr. Bijal Shah, Ms. Julie Skacel, Mr. Jentry Wallace, Ms. Carolanda Bremond, Ms. Ruth Wilson, Mr. Audrie L. Lawton, Jr., Mr. Ernesto Arredondo, Mr. Holland Jones, Mr. Preston Cunningham and Mr. Brian Cano and asked that they stand and be recognized.

Mayor Brown thanked them for serving the City and hoped they would consider public service as their career objective.

Council Member Boney stated that they also had a number of students from the Houston Area Urban League Summer Computer Camp, escorted by Mr. Colin Washington and asked the students present to stand and be recognized.

Mayor Brown stated that he also welcomed them to the City Council Meeting and thanked them for being present.

39. ORDINANCE appropriating \$67,100.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for design of the Inflow/Infiltration Source Corrections for Fresh Water Supply District #23 and Red Gully Service Area under a professional engineering services contract with **ROY F. WESTON, INC**, CIP R-2014-01-2 (4795); (approved by Ordinance No. 00-0630); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Sanchez absent. ORDINANCE 2001-0687 ADOPTED.
40. ORDINANCE authorizing the issuance, sale and delivery of City of Houston, Texas, Airport System Special Facilities Revenue Bonds (Continental Airlines, Inc Terminal E Project), Series 2001; approving the form and substance of a Trust Indenture, Special Facilities Lease Agreement, a bond purchase agreement, and official statement; authorizing and ratifying other action; making certain findings with respect thereto; containing other provisions relating to the subject - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Sanchez absent. ORDINANCE 2001-0688 ADOPTED.

41. ORDINANCE approving and authorizing agreement for professional services between the City of Houston, Texas and **HOUSTON INTERNATIONAL INITIATIVES** for International Economic Development at the Houston Airport System - 1 year - \$60,000.00 - General and Enterprise Funds - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Todd, Sanchez and Robinson absent. ORDINANCE 2001-0689 ADOPTED.
42. ORDINANCE appropriating \$159,422,097.00 out of George R. Brown Consolidated Construction Fund and \$500,000.00 out of Police Consolidated Construction Fund, awarding construction contract to **SWINERTON BUILDERS** and approving and authorizing professional services contracts for Material Testing Services with **PROFESSIONAL SERVICE INDUSTRIES, INC, LAW ENGINEERING AND ENVIRONMENTAL SERVICES, INC** and **GEOTEST ENGINEERING** related to the Expansion of the George R. Brown Convention Center; providing funding for the Civic Art Program, Construction Management, and Impact Fees relating to construction of facilities financed by the George R. Brown Consolidated Construction Fund and the Police Consolidated Construction Fund - **DISTRICT I - CASTILLO** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Todd and Robinson absent. ORDINANCE 2001-0690 ADOPTED.
47. ORDINANCE appropriating \$1,639,779.00 out of Street & Bridge Consolidated Construction Fund and \$958,382.00 out of the Water & Sewer System Consolidated Construction Fund for Cost Reimbursement in connection with an Interlocal Agreement with TXDOT for Reconstruction of South Shepherd Drive from U. S. 59 to South Rice (Ord. No. 2000-254), CIP N-0611-02-3 (SB9018); 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 - **DISTRICT C - GOLDBERG** - was presented, and tagged by Council Member Ellis. Council Members Todd and Robinson absent.
48. ORDINANCE amending certain prior ordinances with respect to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series C; making certain covenants and agreements in connection therewith - was presented, and tagged by Council Member Tatro.

Council Member Castillo stated that he had read the RCA and understood that the Storm Drainage Overlay Fund was being established as a project under Series C and stated that his question was, since they were funding projects that were very badly needed he agreed with the purpose and the method for funding it, would the Storm Drainage and Overlay Fund be a continuing fund or would it terminate when the projects were completed, and Mr. Haines stated that it would terminate at the conclusion of these projects, that it was strictly for these specific projects, and Council Member Castillo stated that he was glad that they were going to hold this one to a finite number of projects because outstanding debt through commercial paper should be maintained at the authorized level, and Mr. Haines stated that was the intent, that because of the timeline, these were all projects that had been bid out and were ready to award and the expectation was that they would try to reimburse against ALP funds or reimbursements against FEMA to get these things re-compensated through the commercial paper program. Council Members Boney, Ellis, Parker and Quan absent.

Council Member Tatro stated that two years ago he thought they had resolved this issue and this was as Council Member Castillo had said an opening of Series C and Series C had

been initiated for equipment purchases as opposed to Capital Improvement Projects and although the ALP Fund had been utilized for other purposes because of the storm, he believed the proper funding source, as in any problematic time, would be to simply shift these into this year's CIP and other projects would need to slide, that they could only do with what they had and he believed that this was a breach of Series C, that they had done it before with Cotswold and he obviously objected to it then, but it was again another breach of the intention of Series C and quite frankly voter bond debt approval that had historically been for storm drainage and road construction projects, that he would have difficulty making a statement for needed overlays, that yes they had streets that needed overlays but to open up Series C and more bond debt for simple overlay programs he thought was a bad precedent, that he heard the administration suggesting that this was a one time event, but he thought that the precedent set by going into Series C as opposed to utilizing standard bond debt was not a good precedent, that it would be his recommendation that the administration put these projects into the CIP where they belonged and fund it along with the standard CIP, that he passed out some information just on Series C commercial paper to Council Members, that they were just notes and not amendments, that it was his intention to tag each of the Series C items on the agenda today, 48 through 48I, because he thought it was a very important police and debt issue, that he did not believe there was going to be any ALP money reimbursing the Series C and that was his significant concern, that there was no reimbursement guarantee. Council Members Sanchez and Robinson absent.

Mayor Brown stated that Item 48 was tagged by Council Member Tatro. Council Members Sanchez and Robinson absent.

Council Member Bell asked Mr. Haines to offer some explanation as to why these projects that were previously funded, specifically the drainage projects that they saw in the item, did not move forward, and Mr. Haines stated that these projects that were before Council today were all incorporated in the CIP this time, that they were included in previous CIP and the funding sources for everyone of these projects was the ALP Fund as approved by City Council, that when Tropical Storm Allison hit Houston they swept the ALP Fund of any surplus cash, that was the \$25 million that went into the Flood Recovery Fund, that essentially they took the funding away from these projects and in the meantime all of them had been bid out prior to the storm and were awaiting award, that in other words those bids that had gone out and come back in and were about to expire, that the first one would expire on August 8, 2001, so the dilemma was how would they get some funding into these individual projects to be able to move them out timely without having these bids expire and have to re-bid all of the projects, that until they get their reimbursement back, either through FEMA or insurance funds, the only real alternative they had was to drop into the commercial paper borrowing, because that was cash available to move these projects forward and award them, that the intent, as they had stated in the RCA and expressed very strongly was as they received reimbursements through FEMA or insurance, those reimbursements would come back into paying off the commercial paper notes, that the projects were being moved forth now with this source of funding because of Tropical Storm Allison, they were already to move forward to Council for bid award anyway but just did not have money attached to them anymore, and now there was a source, and Council Member Bell stated that he was curious as to how many other drainage projects were sitting out there that had been previously pinpointed in other CIP's and were just simply not moving forward, and Mr. Hains stated that he could get him a separate report on that, that all he knew was that these projects had been bid for construction award and they were imminent deadlines that those bids were going to expire and they could not go back out and issue new debt that there was simply no other immediate funding capacity to get these projects out. Council Members Galloway and Robinson absent.

Council Member Boney stated that he did not see anything difficult to understand about

these, that as a matter of strategic planning in the CIP they ordinarily put projects out for design that do not have any money for construction so they would not have a lot of projects that were backed up in the pipeline and not going along; that there had been tremendous damage to the City's infrastructure by the storm and even in addition to these already identified and funded CIP projects, that were dealing with infrastructure, water, sewer and streets, there was a lot more that needed to be done and as he understood Mr. Haines to say that as they got their money reimbursed through FEMA and/or insurance they would take out the debt that they were able to take out that they were borrowing right now to go ahead and implement these projects, but if they do not do that the bids that they had already received on these projects would expire and they would need to re-bid them again and at would likely be at a higher cost, and Mr. Haines stated that was correct and did not see how in good conscience how they could not pass this, that it seemed to be the best way to manage it and run the City's business in these circumstances; and Council Member Boney stated that they were fortunate to have some very good financial rewards from the timing of the Convention Center Hotel bonds and the other bonds they recently sold and asked Mr. Haines to speak on it briefly and Mr. Haines stated that the rates were still holding very favorably for the City. Council Member Galloway absent.

Council Member Quan stated that he appreciated the fact that the Mayor did appoint an ad hoc committee to look at the Theater District and they had their first meeting last week and from their meeting the report he had was that FEMA and Westchester Fire Insurance were acting promptly in reimbursing the City so he saw it as a temporary measure to get the City over the hump to avoid having to get behind on these projects and while he respected Council Member Tatro he would have to disagree strongly at this point as to delaying these projects. Council Member Galloway absent.

Council Member Sanchez asked if there was any reason to believe that FEMA would not reimburse the City for the cleanup efforts, and Mr. Haines stated no, that they were staying on top of it and was very comfortable and confident, that between Ms. Sara Culbreth's leadership on this initiative and specific knowledge of making sure they had the audit trails and accounting procedures in place and that was going very well, that would they receive 100% reimbursement, probably not, they were told 75%, but they were very confident, that they had so far about \$8 million worth of PW's that were for project work orders that had gone to FEMA already, and that did not include the Convention and Entertainment group, which was going to be a fairly large amount, that they were very confident that this process was moving well for them. Council Member Galloway absent.

Mayor Brown stated that Item No. 48 was tagged. Council Member Galloway absent.

The City Secretary stated that she had announced earlier that Item 48a was not in and would be considered at the end of the agenda, that it had been received but believed there was a procedure problem and would have to be considered before the 48b through 48i. Council Member Galloway absent.

Council Member Boney moved to suspend the rules to consider Item 48a out of order, seconded by Council Member Parker. Council Member Goldberg absent on city business. Council Member Galloway absent. MOTION 2001-0835 ADOPTED.

48a. ORDINANCE authorizing creation of the Series C Commercial Paper Storm Drainage and Overlay Fund - was presented, and tagged by Council Member Tatro. Council Member Galloway absent.

48b. ORDINANCE appropriating \$4,017,189.50 from the Series C Commercial Paper Storm

Drainage and Overlay Fund, and appropriating \$1,399,810.50 from the Water and Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, INC** and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** 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 same fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - CASTILLO** - was presented, and tagged by Council Member Tatro. Council Member Galloway absent.

- 48c. ORDINANCE appropriating \$1,136,000.00 from the Series C Commercial Paper Storm Drainage and Overlay Fund, and appropriating \$85,000.00 from the Water and Sewer System Consolidated Construction Fund, awarding contract to **INTRA CONSTRUCTION CORPORATION** and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** 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 same fund and the Water and Sewer System Consolidated Construction Fund - **DISTRICT A - TATRO** - was presented, and tagged by Council Member Tatro.
- 48d. ORDINANCE appropriating \$7,526,000.00 from the Series C Commercial Paper Storm Drainage and Overlay Fund, and appropriating \$230,000.00 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **CONTRACTOR TECHNOLOGY, INC** and approving and authorizing professional services contract for engineering testing services with **MCBRIDE RATCLIFF, INC** for Frostwood East Drainage Improvements, GFS M-1001-02-3 (SM5008-01); providing funding for contingencies relating to construction of facilities financed by the same fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - KELLER** - was presented, and tagged by Council Member Tatro.
- 48e. ORDINANCE appropriating \$1,447,500.00 out of Series C Commercial Paper Storm Drainage and Overlay Fund, awarding contract to **SILVA, INC** and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** 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 same fund **DISTRICT C - GOLDBERG** - was presented, and tagged by Council Member Tatro.
- 48f. ORDINANCE appropriating \$1,689,200.00 out of Series C Commercial Paper Storm Drainage and Overlay Fund, awarding contract to **AAA ASPHALT PAVING, INC** and approving and authorizing professional services contract for engineering testing services with **GROUND TECHNOLOGY, INC** for construction of Asphalt Overlay Project in Council District A Neighborhoods to Standards, GFS N-1037-30-3 (OL2030); providing funding for construction management and contingencies relating to construction of facilities financed by the same fund **DISTRICT A - TATRO** - was presented, and tagged by Council Member Tatro.

The City Secretary announced that Item 48g had not been received earlier in the meeting and was also placed at the end of the agenda.

Council Member Boney moved to suspend the rules to consider Item No. 48g out of order,

seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0836 ADOPTED.

- 48g. ORDINANCE appropriating \$1,908,400.00 out of Series C Commercial Paper Storm Drainage and Overlay Fund, awarding contract to **ANGEL BROTHERS ENTERPRISES LTD.** and approving and authorizing professional services contract for engineering testing services with **TOLUNAY-WONG ENGINEERS, INC** for construction of Street Overlay Project Generic Package IV - Council District E, GFS N-1037-34-3 (OL2034); providing funding for construction management and contingencies relating to construction of facilities financed by same fund **DISTRICT E - TODD** - was presented, and tagged by Council Member Tatro.
- 48h. ORDINANCE appropriating \$516,000.00 out of Series C Commercial Paper Storm Drainage and Overlay Fund as an additional appropriation for Design of Storm Drainage Improvements in the Wilchester Subdivision, under a Design contract with **R. G. MILLER ENGINEERS, INC** (approved by Ordinance No. 99-1195), CIP M-0126-33-2 (SM5005); providing funding for contingencies relating to construction of facilities financed by the Series C Commercial Paper Storm Drainage and Overlay Fund - **DISTRICT G - KELLER** - was presented, and tagged by Council Member Tatro. Council Member Keller absent.
- 48i. ORDINANCE appropriating \$838,000.00 out of Series C Commercial Paper Storm Drainage and Overlay Fund as an additional appropriation for Design of Nottingham Forest, Memorial Drive Acres and Woodbend on Memorial Drainage Improvements under Design contract with **SES HORIZON CONSULTING ENGINEERS, INC**, (approved by Ordinance No. 99-1198), CIP M-0126-40-2 (M-0126-40-2); providing funding for contingencies relating to construction of facilities financed by the Series C Commercial Paper Storm Drainage and Overlay Fund **DISTRICT G - KELLER** - was presented, and tagged by Council Member Tatro. Council Member Keller absent.
49. ORDINANCE No. 2001-0582, passed third reading July 3, 2001
ORDINANCE granting authority to **SPRINT COMMUNICATIONS COMPANY, L.P.**, a Delaware Limited Partnership, to encroach upon and use the public way of the City of Houston, Texas, pursuant to Article XIV, Chapter 40, Code of Ordinances, Houston, Texas, for the purpose of laying, constructing, leasing, maintaining, repairing, replacing, removing, using, and operating therein, Telecommunications Facilities for providing authorized Telecommunications Services; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING (NOTE this item is being resubmitted for 3rd reading to conform publication with requirements)** - was presented. Council Member Goldberg absent on City business. Council Member Keller absent. ORDINANCE No. 2001-0582 PASSED THIRD AND FINAL READING IN FULL (Note: Ordinance 2001-0582 was also carried as third and final reading a Item No. 40 on the July 3, 2001 agenda in error as three publications had not been completed as required by the City Charter)

NON CONSENT AGENDA - NUMBERS 50 through 52

PROPERTY

50. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Robert J. Montgomery, on behalf of Metropolitan Transit Authority (METRO), for abandonment and sale of Ruth

Avenue, from Main Street to Fannin Street, and Rosewood Street from Fannin Street ±148.88 feet west to its dead-end terminus, located in MacGregor's Blodgett Park Subdivision, Parcels SY1-057A and SY1-057B - **APPRAISERS - DISTRICT C - GOLDBERG** - was presented.

Council Member Sanchez stated that Council Member Goldberg had asked him to nominate Mr. David Lewis and Mr. William T. Evans as the appraisers and moved to adopt the recommendation, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0837 ADOPTED.

51. RECOMMENDATION from Director Department of Public Works & Engineering to **AMEND MOTION #2000-1054 8/23/00**, which authorized abandonment and sale of a portion of Gulflow Street and a 1-foot Buffer in exchange for the conveyance to the City of a 15-foot wide sanitary sewer easement, all adjacent to Tracts 24Y and 24K-1, Jacob Thomas Survey, Abstract 74, Parcels SYO-077 and DYO-044 - **TO APPOINT** a replacement **APPRAISER** for Ms. Roberta Conerly who is unavailable to accept the appointment - **DISTRICT I - CASTILLO** - was presented. Council Member Castillo moved to nominate Mr. Tom Bazan as replacement appraiser, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0838 ADOPTED.

PURCHASING AND TABULATION OF BIDS

52. RECOMMENDATION from Director of Finance and Administration to **AMEND MOTION #2001-0725 6/27/01**, which authorized issuance of purchase orders to address emergency disaster recovery, to reflect the total amounts payable to the following vendors for mosquito abatement services:

<u>Contractor</u>	<u>Estimated Amount</u>	<u>Final Invoice Amount</u>
End O Pest Coastal	\$ 21,000.00	\$ 43,400.00
ACURID Commercial Svc. by Orkin	\$ 21,000.00	\$ 15,645.00
Gillen Pest Control	\$ 42,000.00	\$ 39,620.00
Cypress Creek Pest Control, Inc.	\$ 105,000.00	\$ 123,900.00
Holders Pest Control Co.	\$ 21,000.00	\$ 12,600.00
ABC Pest, Pool & Lawn Services	\$ 21,000.00	\$ 19,460.00
Pro-Tec Pest Control	\$ 42,000.00	\$ 1,540.00

- was presented. (Requires 3 motions)

Council Member Sanchez moved to suspend the rules for the purpose of reconsidering Motion 2001-0725, passed and adopted June 27, 2001, which authorized spending authority to address Emergency Disaster Recovery Purchase Orders, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0839 ADOPTED.

Council Member Sanchez moved that Motion 2001-0725, passed and adopted June 27, 2001, which authorized spending authority to address Emergency Disaster Recovery Purchase Orders, be brought back to Council for reconsideration, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0840 ADOPTED.

Council Member Sanchez moved that the Recommendation from the Finance and Administration Department to authorize issuance of purchase orders to address emergency

disaster recovery, to reflect the total amounts payable to the listed vendors for mosquito abatement services, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0841 ADOPTED.

MATTERS HELD - NUMBERS 53 through 61B

53. ORDINANCE appropriating \$950,000.00 out of Water and Sewer Consolidated Construction Fund, and approving and authorizing compromise and settlement agreement between the City of Houston and **CONSTRUCTORS & ASSOCIATES, INC** to settle a claim arising out of activities financed by the fund (**This was Item 2 on Agenda of July 11, 2001, TAGGED BY COUNCIL MEMBER KELLER**) - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0691 ADOPTED.
- 53a. MOTION by Council Member Sanchez/Seconded by Council Member Quan to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$38,439,751.11 and acceptance of work on contract with **CONSTRUCTORS & ASSOCIATES, INC** for 611 Walker-Shell, Core and Tenant Improvements, 08.93% over the original contract amount - Enterprise Fund - (**This was Item 2A on Agenda of July 11, 2001, TAGGED BY COUNCIL MEMBER KELLER**) - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0842 ADOPTED.
54. MOTION by Council Member Sanchez/Seconded by Council Member Robinson to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$292,109.84 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-S5-3 (Group 2) - 02.60% over the original contract amount - Street & Bridge Consolidated Construction Fund - **DISTRICT I- CASTILLO** - (**This was Item 4 on Agenda of July 11, 2001, TAGGED BY COUNCIL MEMBER CASTILLO**) - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0843 ADOPTED.
55. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (i) two portions of the Crawford Street right of way containing an aggregate of 66,405 square feet of land, more or less, Parcels SY1-090A and SY1-091; and (ii) two portions of the Clay Avenue Street right of way containing an aggregate of 40,001 square feet of land, more or less, Parcels SY1-090B and SY1-090C; all Parcels located within South Side Buffalo Bayou, an unrecorded subdivision in Houston, Harris County, Texas; vacating and abandoning Parcels SY1090A, SY1-090B and SY1-090C to the City of Houston, as abutting owner; vacating and abandoning Parcel SY1-091 to Harris County-Houston Sports Authority, as abutting owner, in consideration of its agreement to construct and operate a Downtown Multipurpose Arena and Parking Garage - **DISTRICT I - CASTILLO** (**This was Item 17 on Agenda of July 11, 2001, TAGGED BY COUNCIL MEMBERS TODD AND CASTILLO**) - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0692 ADOPTED.
56. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a surplus portion of Main Street Loop Road Street right of way, containing 19,143.9 square feet of land, more or less, located in the B.B.B. & C.R.R. Company Survey, A1029, Harris County, Texas; vacating and abandoning said tract of

land to Brochsteins, Inc., abutting owner, in consideration of owner's payment of \$23,930.00 and other consideration to the City - **DISTRICT C - GOLDBERG - (This was Item 19 on Agenda of July 11, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0693 ADOPTED.

57. ORDINANCE awarding contract with **ARAMARK FACILITY SERVICES, INC** for Special Events Cleaning for Convention & Entertainment Facilities and Parks & Recreation Departments; providing a maximum contract amount - 3 Years with two one-year options - \$15,457,439.06 General and Enterprise Funds - **DISTRICTS D - BONEY and I – CASTILLO – (This was Item 26 on Agenda of July 11, 2001, TAGGED BY COUNCIL MEMBER QUAN)** - was presented.

Council Member Quan stated that the reason that he tagged the item last week was because he was concerned that they seemed to be consolidating contracts and limiting opportunities for many of the small vendors, that he had a chance to meet with Mr. Wells and he assured him that was not the intent of the consolidation but he was still concerned that they look to breakup contracts to give as many companies an opportunity to do business with the City as possible, that there were several janitorial contracts which in the past had gone under Parks and Recreation and some under Visitors and Convention Center that were now together over \$15 million, that the bond amount alone precluded many people from ever considering bidding on these contracts so while he could see some economy of scale he did not think this was the purpose of the City in limiting opportunities for companies to do business with the City, that he did not know what they could do about it and it was probably too late on this one, but he would like to ask the administration to take that into consideration in the future.

Mayor Brown stated that he would ask Mr. Wells to be very cognizant of this issue and thought that everyone supported what the Council Member was saying.

Council Member Castillo stated that this was one of the items that he had talked to people at Aramark about, that he thought they needed a determination of what the City's policy was going to be, that Mr. Wells would only be able to carry out whatever the City policy was and thought they were going to have other opportunities come up as the new airport buildings come on line and as the old CA One Contracts expire, that they were going to be facing the same situations and the problem was that it got to the City Council was the deals had been made and they had absolutely no way to protect either those people who came under those concessions or the ones who wanted to participate but could not, and he understood that the issue with the airports was to have one entity dealing with all of the concessionaires so the Airport Department would not have to, but he thought that was part of what those departments got paid to do, and so he thought they needed to begin to look now before it was upon them, whether they were going to have a change in policy in dealing with concessionaires at City facilities, that the alternative way would be for the Council to get recommendations for concessionaires and then turn them over to an administrator to administer the contracts and relieve the airport of the day to day grind of having to manage those concessionaires, that he would urge the administration to revisit the policy of concessions at City facilities and come back with a report, whether it was to change it or not.

Mayor Brown stated that in fact they were exploring those options and would come back with some recommendations. Council Member Ellis absent.

Council Member Boney stated that he fully agreed and shared the sentiments expressed by both Council Members Quan and Castillo, that this matter came up in the Minority Women

Business Enterprise Committee Meeting day before yesterday and had been mentioned to both Building Services and Affirmative Action that in their effort to save taxpayer money they were looking at consolidation and at the same time in their effort to create greater diversity of opportunity they realized that by breaking contracts into smaller pieces they also save money because they also had more competition, that he had spoken with Mr. Wells and they thought they had some strategies that could give them both objectives and make them both achievable and hopefully within the next week or so would be able to talk more about that in a way that was flushed out, and thought there were ways that they could address the issues of cost savings for the City, but insuring there was diversity for small contractors to compete for projects and give the City quality and cost savings. Council Member Ellis absent.

A vote was called on Item No. 57. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Ellis and Bell absent. ORDINANCE 2001-0694 ADOPTED.

58. ORDINANCE appropriating \$499,181.46 out of Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone) Tax Increment Fund (Fund 908) for payment to **ENCLAVE PARTNERS, LTD** for Reimbursement of costs associated with Public Improvements in the Village Enclaves Zone pursuant to the Public Improvements Development Agreement between the City, the **VILLAGE ENCLAVES ZONE** and **ENCLAVE PARTNERS, LTD. DISTRICT F - ELLIS – (This was Item 27 on Agenda of July 11, 2001, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Bell absent. ORDINANCE 2001-0695 ADOPTED.
- 58a. ORDINANCE approving and authorizing Public Improvement Development Agreement between the City of Houston, **REINVESTMENT ZONE NUMBER FOUR, CITY OF HOUSTON, TEXAS (VILLAGE ENCLAVES ZONE)**, and **ENCLAVE PARTNERS, LTD.**, for the Design, Construction and acquisition of certain Public Improvements and for certain other project costs in the Village Enclaves Zone; providing for the reimbursement of previously expended or committed project costs - **DISTRICT F - ELLIS - (This was Item 27A on Agenda of July 11, 2001, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Bell absent. ORDINANCE 2001-0696 ADOPTED.
59. ORDINANCE appropriating \$346,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing amendment to professional services contract (approved by Ord. 99-0004) between the City of Houston and **WALTER P. MOORE & ASSOCIATES, INC** for the Design of Little York Road Paving from Airline Drive to Hardy Toll Road, CIP N0531-01; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - (**This was Item 36 on Agenda of July 11, 2001, TAGGED BY COUNCIL MEMBER KELLER)** - was presented.

Council Member Keller stated that he tagged the item last week and voiced seven questions that he had on the item and wanted to compliment Showri Nangandri and Robin Green, that the answers were already in his box on Monday morning and the answers had the exact wording and were precisely done, that he also wanted to thank George Brevenec.

A vote was called on Item No. 59. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0697 ADOPTED.

60. WRITTEN Motion by Council Member Bell to amend Section 2-30 of Item 60A as follows:
Section 2-30. If other travelers accompany a salaried or non-salaried employee or elected official of the city ~~during city business travel, as part of a trade or economic mission and the co-travelers are part of the city coterie~~, then the names of such co-travelers shall be disclosed in the travel expenses report and travel-related log in a separate exhibit entitled, "Accompanying Travelers", which shall be filed in accordance with the applicable administrative procedure requirements for filing expense reports and travel-related logs. - **TAGGED BY COUNCIL MEMBER VASQUEZ** – was presented.

Council Member Bell stated that in speaking to the Legal Department over the last couple of weeks and trying to address some of the questions that were raised at the last meeting in terms of possible confusion that could be caused by the ordinance and working through the various scenarios that could arise it was realized that probably the best way to address this situations and make it as straight forward as possible would be to go with the original way the ordinance was passed out of the committee, that he was in agreement with that and he was withdrawing his amendment which was Item 60 so that the ordinance could be voted on in its original form.

Mayor Brown stated that Council Member Bell withdrew his amendment to Item No. 60a.

Council Member Boney stated that he was going to oppose the ordinance, because he really did not think it was anybody's business if somebody paid their own way, that he was just not interested in people's private affairs and did not think there was any issue of transparency or access, that he did not have a problem with disclosing it if it should pass and did not have any problem with disclosing whoever he had traveled with on City business, but he did not see a strong rationale or need to know who traveled on a mission on their own expenses when he was going somewhere on City business, and Council Member Bell stated that if they were not part of the City coterie then he would not disclose them.

Council Member Sanchez stated that he tended to agree with a lot of what Council Member Boney said, that he participated in a lot of travel particularly through Houston International Initiatives and the information was readily made public and the list of participants were published in various publications, that there were public meetings where they brief the participants on the host country and exactly what the agenda was so it was not as if there was not full disclosure, that the bottom line was that if it was a family member traveling with them and paying their own way why was that a matter of disclosure, and would ask what was the definition of a co-traveler.

Mayor Brown stated that they needed to do something procedurally to get them where they wanted to go, that since the amendment was part of the main motion they needed to a motion to accept Council Member Bell's recommendation that they remove the amendment from the main item.

Council Member Ellis moved to remove the proposed motion listed as Item No. 60 from Item No. 60a, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0844 ADOPTED.

Mayor Brown stated that they were now on the main item without the amendment.

- 60A. ORDINANCE amending **CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Travel by Salaried and Non-Salaried City Employees and Elected

Officials; containing findings and other provisions relating to the foregoing subject; providing for severability(**This was Item 45A on Agenda of July 11, 2001, TAGGED BY COUNCIL MEMBER VASQUEZ**)

Upon questions by Council Member Sanchez, Mr. Hall stated that the issue was a difficult one because many of these terms were undefined, that they had been unable to get a bulletproof way of doing that and had offered several versions to him that would deal with that, that it could be interpreted that co-traveler was included in the concept of coterie, because it said that the names of such co-travelers, and coterie was a small group of people who had a constant purpose.

After further discussion, Council Member Galloway moved to refer Item 60a back to the committee, seconded by Council Member Quan.

Council Member Bell stated that what was before the Council now was how the proposal was passed out of the committee, that he did not think it was an arduous task, that things that were being presented here were basically being presented because people did not want to have to report with whom they were traveling, that the committee made a decision that it was in the public's interest and that people had a heightened degree of access if they were being invited to participate on this trips, that he thought it was fairly straight forward and the committee certainly did not have any trouble figuring out what they were trying to have disclosed and set it forth in the plain language that was before them in this proposal.

After a lengthy discussion, Council Member Quan moved to call the question on the motion to refer the item back to the committee, seconded by Council Member Keller. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0845 ADOPTED.

A roll call vote was called on the motion to refer Item 60a back to the committee

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Castillo voting no
Council Member Galloway voting aye	Council Member Parker voting no
Council Member Goldberg absent on city business.	Council Member Quan voting aye
Council Member Boney voting aye	Council Member Sanchez voting aye
Council Member Todd voting aye	Council Member Bell voting no
Council Member Ellis voting no	Council Member Robinson voting aye
Council Member Keller voting no	MOTION 2001-0846 FAILED

Council Member Sanchez moved to amend Item No. 60a to provide "That the list to be made public or reported was the list of original travelers originating from Houston", seconded by Council Member Boney.

Council Member Sanchez stated that what would eliminate was all the various and sundry other travelers in the host countries, as Council Member Quan pointed out, that they traveled with, that in other words if it was a 15 member trade mission originating from Houston, that those original 15 members, whether they be recruited by the Greater Houston Partnership, Houston International Initiatives or even TML in Austin, that that was the list of travelers that needed to be reported, that they limit it to the original group rather than listing all the various other people, seconded by Council Member Boney.

Mayor Brown stated that the amendment was to “limit the list to the number of people who leave from Houston, that those who join later on are not counted”.

Council Member Castillo tagged the motion to amend Item 60a. Council Member Tatro absent.

After further discussion, Council Member Bell moved to call the question, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0847 ADOPTED.

A roll call vote was called on Item No. 60a.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Castillo voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg absent on city business.	Council Member Quan voting no
Council Member Boney voting no	Council Member Sanchez voting no
Council Member Todd voting no	Council Member Bell voting aye
Council Member Ellis voting aye	Council Member Robinson voting aye
Council Member Keller voting aye	ORDINANCE 2001-0698 ADOPTED.

61. WRITTEN Motion by Council Member Parker to amend by striking the words “or any other status” from the first paragraph of the preamble and from the definition of the term *discriminate, discriminates, discrimination*, as set forth in proposed City Code Section 2-451 of Item 61B below - **TAGGED BY COUNCIL MEMBERS ELLIS and TATRO** – was presented.

Council Member Sanchez asked what was thrust of the amendment, and Council Member Parker stated that there was a phrase “or any other status” in the original language that was drafted by the Legal Department and thought that the intent was like “any similar status” but because it was an undefined phrase it seemed to make the whole ordinance clearer of they just struck those words out, and Mr. Hall stated that the Legal Department concurred that the phrase should be struck.

A vote was called on Item No. 61. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0848 ADOPTED.

- 61a. MOTION by Council Member Sanchez/Seconded by Council Member Todd to amend Item 61B to provide that not only can the City not discriminate against anyone but would treat everyone the same - **TAGGED BY COUNCIL MEMBER CASTILLO** – was presented.

Council Member Sanchez stated that he distributed some language that he hoped would clarify the thrust of the amendment, that what it says essentially was that the City of Houston would adopt a policy that it would not discriminate against anyone for any reason and then it defined what discrimination was and a definition of City employment and employment opportunities, that obviously some determination would have to be made when considering hiring someone for a criminal background, job qualifications, perhaps drug testing and all of the other policies that the City of Houston lists for employment qualifications, that those were legitimate reasons not to hire someone.

Council Member Parker asked for a point of order and stated that Council Member Sanchez indicated that this was a clarification of his motion and the handout appeared to be an amendment or a substitution for his motion, that it was not the motion that he made at the table.

Mayor Brown asked Council Member Sanchez what the purpose was of the document that he handed out, and Council Member Sanchez stated that the purpose of the document was a definition, that the City Attorney asked him a question and Mr. Bibler had brought up that presumably they could offer up a motion like the one he did last time and then list some definitions and this simply attempted to do that, that it was not a substitute motion, and Mr. Hall stated that it would have to be because it was not the same and that was the point being made, that from a parliamentary perspective what was tagged was what would have to come up as it was tagged, that if they changed it, amended it or added to it, and Council Member Sanchez stated that it was not his intent to change or amend it, and Mr. Hall stated that then it had to be limited to what was on the agenda, and Council Member Sanchez stated that it was still the motion from last week, that the item he had submitted was not a substitute, that it was an attempt for clarification. Council Member Castillo absent.

Upon questions by Council Member Tatro, Mr. Hall stated that he would try to explain it better, that Council Member Sanchez offered an amendment last week that was accepted by the chair, seconded and was tagged, that they would in fact then assume that it would amend the Code of Ordinances by the words that were there, and Mayor Brown stated that what Council Member Sanchez handed out today he indicated was not a substitute amendment therefore that was not an item for consideration, and Mr. Hall stated that they could not vote on a working principle. Council Member Keller absent.

Mayor Brown stated that the item that was before them was what was written on the agenda, Item 61a and stated that it was his understanding that Item 61a would serve to undo Item No. 61b, and Mr. Hall stated that in discussions two weeks ago when Council first took up this item he was asked to offer his opinion about the impact of this amendment and he indicated to the chagrin of some Council Members that American society, the City of Houston, condones, supports and encourages all sorts of discrimination from a legal perspective, that they treat people differently, that they treat them differently in pay, deny benefits to people, they imprison some, that they treat people differently, and that in a legal sense meant discriminate, that they treat some people different than others, that this amendment suggested that they could not do that, that he indicated to Council that it was an approach to this issue that nobody else had tried, that they had tried again to find some precedent to give them some guidance of how they would approach it backwards by saying that they could not discriminate against people for these things and then turn around the other way and say they just would not discriminate against anybody for anything, that it was not an approach that anybody had ever taken before, so that they indicated it would raise enormous questions and they thought legal difficulties for them running the government in the way that government had always been run, that in effect it would change the approach, and more specifically, as Council Member Quan pointed out, part of what this approach did was not deal specifically with the issue of non-discrimination for specifically what the amendment intended to address, and Mayor Brown stated that the short was that Item 61a would undo Item 61b and Mr. Hall stated yes.

Council Member Parker stated that this was an effort to rerun what failed to pass last week or two weeks ago when they last considered the item and whether or not they supported the legal argument that there needed to be an enumerated list of protected groups and the legal underpinnings of that as described by the Legal Department, clearly they would have to recognize the wording before them now, Council Member Sanchez's motion, was not only unworkable from a legal perspective but really difficult to know how to deal with in terms of

incorporating it into the Code of Ordinances, that it was however a nice sentiment that one might see on a Hallmark card.

Council Member Boney stated that this was the essence of the inconsistency and disingenuity of some Members of Council, that this clearly said that they would not discriminate against people in employment, discipline or termination based upon their sexual orientation, plain and simple, that it was out front and straight on the table, that they had some Council Members who had a problem doing that publicly and wanted to imply that they could do that by simply saying they were not going to discriminate against anybody, and they knew full well that they could not do that legally, that basically had no effect whatsoever and avoided the question, that all those who wanted to be so transparent about who they traveled with, that they were welcome to do all the voluntary disclosure that they wanted to do, they did not have to codify that in the law, but the point he was making was that he thought that the time had come in City government and United States government and in the Country to say they would not discriminate against any human being based upon what they did in their private lives and in their private homes, and if they were able to come to work, show up on time and operate appropriately in the work place that they had the right to compete for and do a good job for the City like any other City employee and he thought they ought to put it in law and stand for it, that it was an accepted standard in private industry and private industry had found that they were becoming more and more competitive for employee, and he thought they ought to take their morale and personal beliefs and operate them in their own personal lives and not try to impose that on other people with other religious, morale and personal beliefs about they way they live their lives, that he intended to support Item No. 61b as proposed by Council Member Parker and opposed Item No. 61a.

Council Member Sanchez stated that the motion offered exactly what they were trying to accomplish, that it was in plain language and said that the City of Houston would not discriminate against anyone for any reason and would treat everyone the same, that did not mean that they could not terminate someone for violating City policy.

Council Member Quan stated that he did not question the intent of Council Member Sanchez in not wanting to discriminate against anybody, and believed each of the Council Members received a letter this week from the National Employment Lawyers Association, the Houston Chapter, in which the president, Shannon Saucedo, had written to them and said that "if there was no specificity in the ordinance, the City would experience an unimaginable number of complaints for discrimination which would burden the City and weaken the impact of the ordinance thus nullifying any chance for weighing and correcting discrimination based on those characteristics that needed protection", so from a legal point of view they were saying to them as employment lawyers, the way they were looking at this was if they did not have the specificity they were opening the doors for any number of complaints for any type of reason which in fact diluted and defeated the very purpose of why they were passing the item today, so he would urge that they not support Council Member Sanchez's motion to have such an inclusive base, that would say no discrimination whatsoever because in law it just could not be supported.

After further discussion, Mayor Brown stated that he wanted to ask Council Member Sanchez one question and stated that what they were trying to do was to pass an ordinance that said the City of Houston would not discriminate against anyone and in addition to the classes already outlined in the ordinance and add "sexual orientation" and asked if he had a problem with that, and Council Member Sanchez stated that the problem he had was that he believed it was wrong for government to engage in racial profiling or tantamount to racial profiling, that in other words they were going to list the groups that they thought ought to be protected, that he thought it was wrong and thought they ought to treat everyone equally, that no one should be discriminated against for no reason, that he understood that they wanted to add another class of protected

citizens and his argument was that they ought to get to the stage where they treated everyone equally.

After further discussion by Council, Council Member Galloway moved to call the question on Item 61a, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0849 ADOPTED.

A vote was called on Item 61a.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Castillo voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg absent on city business.	Council Member Quan voting no
Council Member Boney voting no	Council Member Sanchez voting aye
Council Member Todd voting aye	Council Member Bell voting no
Council Member Ellis voting aye	Council Member Robinson voting no
Council Member Keller voting aye	MOTION 2001-0850 FAILED

- 61b. ORDINANCE amending **CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a new article prohibiting discrimination by the City in employment, contracting opportunities, facilities use, and services delivery; containing findings and other provisions relating to the foregoing subject; providing for severability(**This was Items 46A on Agenda of July 11, 2001, TAGGED BY COUNCIL MEMBERS ELLIS AND VASQUEZ**) – was presented.

A vote was called on Item 61b as amended.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting no	Council Member Castillo voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg absent on city business.	Council Member Quan voting aye
Council Member Boney voting aye	Council Member Sanchez voting no
Council Member Todd voting no	Council Member Bell voting aye
Council Member Ellis voting no	Council Member Robinson voting aye
Council Member Keller voting aye	ORDINANCE 2001-0699 ADOPTED.

Mayor Brown stated that Council Member Robinson had removed his tag on Item No. 7.

7. RECOMMENDATION from Director Parks & Recreation Department for annual supplemental allocation of \$490,000.00 to **EPIC SPECIAL EVENTS** for the Funday in the Park! - General Fund - was again presented. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0851 ADOPTED.

Items postponed to the end of the Agenda

- 26a. ORDINANCE awarding the contract to **RICHWIN, INC** for Cleaning & Janitorial Services for Houston Airport Services Complex/Remote Buildings at George Bush Intercontinental Airport/Houston and facilities at Ellington Field; providing a maximum contract amount - 3

Years with two one-year options - \$636,180.40 - Enterprise Fund - **DISTRICTS B - GALLOWAY and E- TODD** - was again presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0700 ADOPTED.

Items received during the meeting were considered as follows:

43. ORDINANCE issuing a permit to **HOUSTON CONVENTION CENTER HOTEL CORPORATION**, A Texas Non-Profit, Local Government Corporation, for constructing, maintaining, using, occupying, operating and repairing certain subsurface vault space and aerial encroachments adjacent to Blocks 278, 279 and 288, S.S.B.B., and within portions of Polk Avenue, Clay Avenue, Avenida de Las Americas and Chenevert Street, such space being within public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. ORDINANCE 2001-0701 ADOPTED.
44. ORDINANCE awarding construction contract to **D. L. ELLIOTT ENTERPRISES, INC** on low bid of \$2,225,644.84 for Water Line Repair by Point Repair Method, and approving and authorizing professional services contract for engineering testing services with **ASSOCIATED TESTING LABORATORIES, INC** in the amount of \$65,000.00 - (WA10713) - \$2,446,439.97 - Enterprise Fund – was presented.

Council Member Bell stated that he was very glad to see Items No. 44 through 46 coming forward because one of the problems last year when the water mains started breaking all over town they did not have the point repair contracts in place, in fact there were only two contracts for point repair at this time last year and with these items that they would hopefully pass today they would have eight water and three sewer repair contracts and they should be in a much better position to supplement the City's workforce and keep the backlog as low as possible.

Council Member Sanchez moved to suspend the rules to hear from Ms. Bea Link, Public Works and Engineering, at this time, seconded by Council Member Boney. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0852 ADOPTED.

Council Member Galloway moved to stay in session past the noon hour to complete the agenda, seconded by Council Member Boney. All voting aye. Nays none. Council Member Goldberg absent on city business. MOTION 2001-0853 ADOPTED.

Upon questions by Council, Ms. Link stated that as of yesterday they had 115 water breaks and 67 sewer breaks, that the average response time at the present time for the repairing of a line was a little over two days, that within 48 hours they would get a response, that it had come to her attention that the Customer Response Center was giving out information that it would take 25 to 30 days, that she had talked to the Customer Response Center and asked them to refer those customers directly to their office, that they were responding in two days; that as to the agreement for an update from the utility department it was her understanding that those reports were issued in accordance with the request from Council, that if Council had not been getting them she would certainly check to see why, that the number of breaks was as of yesterday morning, that she had not received a report for today, that it changed everyday, that from the time they verified that there was in fact a break and was the City's responsibility to make those repairs it took two days, that every leak was not the same so they were talking about on average, that last year they had a backlog of about 450 and the highest number got up to about 743 and now they were down to about 100 and had made improvements over the course of time, that they were better structured to be able to handle those problems, that they did not know how

many water mains might break today, tomorrow or next week, that the number changed everyday, that if a citizen called with a problem in 24 hours somebody from the City would have gone out to determine if it was the City's business and on an average within 48 hours the leak would have stopped, and shortly thereafter the grass and mulch and other stuff would be put back to make things right and it may happen in two, three or five days, but it did not take six to eight weeks or thirty days. Council Members Todd, Vasquez, Castillo and Robinson absent.

A vote was called on Item No. 44. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Todd, Vasquez, Castillo and Robinson absent. ORDINANCE 2001-0702 ADOPTED.

45. ORDINANCE awarding construction contract to **PHOCO, INC DBA TELEPHONE COMPANY OF HOUSTON** on low bid of \$1,846,228.04 for Water Line Repair by Point Repair Method, and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** in the amount of \$48,000.00 - (WA10709) \$2,023,464.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Todd, Vasquez, Castillo and Robinson absent. ORDINANCE 2001-0703 ADOPTED.
46. ORDINANCE awarding construction contract to **TROY CONSTRUCTION, L.L.P.** on low bid of \$2,071,887.06 for Water Line Repair by Point Repair Method, and approving and authorizing professional services contract for engineering testing services with **COASTAL TESTING LABORATORIES, INC** in the amount of \$48,000.00 - (WA10710) - \$2,264,919.15 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Todd, Vasquez, Castillo and Robinson absent. ORDINANCE 2001-0704 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Quan stated that he wanted to let the citizens know that he had the privilege of representing the City last Thursday at a press conference held jointly with the Mexican Counsel, the Equal Employment Opportunities Commission, the U.S. Department of Labor as well as MALDEF concerning justice and equality in the workplace, that as they all knew the unemployment rate was now below 3% still there were some people who were being victimized in the workplace and they wanted to make sure that they knew their rights, that the City of Houston had joined in with these organizations and agreed to conduct at least four seminars on their rights to be treated fairly and he would encourage people who were being taken advantage of, not being paid minimum wage, not being paid time and a half for overtime to assert their rights. Council Members Todd, Vasquez, Castillo and Robinson absent.

Council Member Quan stated that he wanted to address the development of the 311 System, and knew that Council Member Bell asked how long these leaks were going on and how many they had, that he hoped that within the next month they would have that system in place and each of them on Council would be able to tell how that backlog was being addressed and stay on it. Council Members Todd, Vasquez and Robinson absent.

Council Member Quan stated that yesterday he and Council Member Galloway went with the Mayor and toured the 911 Facility and thought that was coming along well, and that they would be able to trace where the 911 calls came from. Council Members Todd, Vasquez and Robinson absent.

Mayor Brown stated that on the 311 System through no fault of their own, but the telephone

company had some problems because of the storm so therefore they were delayed and he would give them a memo and tell them what their projected new date would be. Council Members Boney, Todd, Vasquez, Sanchez and Robinson absent.

Council Member Tatro stated that the theme of his comments were the timing between when something appeared on the Council agenda and what the completeness of that item versus Council's approval of it, that it was his understanding that when something appeared on the Council's agenda, for instance a payment, that the paperwork was complete, that the final administrative functions and signatures were complete and that it would go on to the City Secretary's office and then to the Controller, that it was his understanding, and he had some examples, that it did not happen and that caused him concern because his office had to follow up on a few of these that had been approved but lost in limbo, that the first one was a fire station up at Willowbrook Mall and it had been almost a year since the company had finished the job and a few weeks later it was on the agenda for \$160,000 and it was passed and about a month later the contractor called them up to get his money, that they went back and found out none of the final paperwork had been put together, that Building Services got the final paperwork ready and got the gentleman paid, but it cost him some concern, that he thought that probably Council should have a briefing or a statement from the administration about when Council approves something at Council did that mean it was done from the administration and was ready to be paid because clearly in the matter of Parallax and the Willowbrook Mall Fire Station it was not until they intervened a month later, that back in June they also had to make a phone call regarding Memorial Village Water Authority, and that lastly there was a contact for hazardous household waste, that they were told that the next day the company would be on the ground picking up, but it was nine days before they were even able to post bond and insurance and start, that clearly when things were being presented to Council they were not in final form and were not ready to go, that those were only three examples and he was concerned how many other examples were out there, that he would like some clarification from the administration on how it worked or what the minimum time delay was, and Mayor Brown stated that they would get him something on that. Council Members Galloway, Todd, Vasquez, Quan, Sanchez and Robinson absent.

Council Member Parker stated that she wanted to thank her colleagues for their votes and patience as they worked through the non-discrimination ordinance, that she did think it was laudable to strive to treat everybody equally and believed that the City did so despite her levity earlier, that she did not have a whole lot to say during the debates and thought she offered whatever eloquence she had on the issue two weeks ago when they last took it up, that she appreciated Council Members Boney, Quan and Vasquez stepping up and offering the thoughtful reasoned argument that helped move the issue forward, that she wanted to thank those of her colleagues who were supportive of the issue from the beginning and those colleagues who joined at the end for the final passage, that she thought it was a joint effort and clearly took a lot of them working on it to move it forward, and finally it would not have come to the agenda without the Mayor's support and would not have been before them or passed without his support. Council Members Galloway, Todd, Vasquez, Quan, Sanchez and Robinson absent.

Council Member Castillo stated that he stepped out into the lobby a few minutes earlier and the forces that usually collect around important issues were already mounting their petition drive to overturn the vote on Item No. 61b and hoped that they did not confuse the legitimate issues that had driven the Council to adopt the ordinance, because the only way they could win was to confuse, confound and try to fool the voters, that he knew that truth and good will would prevail. Council Members Galloway, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Castillo stated that there was an article in the Chronicle about the northside treatment plants that were due for a cleanup a long time ago and would hope that the Department of Public Works continued on a fast track, that he had always been very concerned about how open those treatment tanks were, some of which were twenty and thirty feet deep and no telling what was in them and hoped that the work would progress and they could resolve that as soon as possible, and Mayor Brown stated that he would follow up on that. Council Members Galloway, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Ellis stated that last week the City went out and refunded some \$232 million in Water and Sewer System Bonds, that they did not always talk about the savings that this could yield and he just wanted to bring it to everybody's attention, that first off the net savings would be \$25.958 million to the City and that was a return to the City of about 9.85% in savings, a present value savings of about \$22.6 million, that if they looked at the effect this would have on the fiscal year for 2002 they would have a cost savings of \$6.8 million and over the next five years a cost savings of \$3.3 million, that was to the Water and Sewer Enterprise Fund, that as they knew this was one of the budget priorities that he submitted to the Mayor in the spring and wanted to compliment the administration and the Controller's office for moving forward with this and also wanted to compliment Bank One who was the lead underwriter and Coastal who was the financial advisor. Council Members Galloway, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Ellis stated that he wanted to touch on the new proposal to go out into the market for over \$700 million in bonds and have a referendum on it this November, that he knew that the administration had been working closely with the Greater Houston Partnership and believed that the gentleman from Wedge Group was advising them and did have some concerns and the fact that he was pushing for refunding, current refunding or forward refunding of bonds that was somewhat different from refinancing and stated that he would hope that Mr. Haines would visit with him next week along with the gentleman from the Wedge Group, that he wanted to make sure that they were not putting a burden on future generations by extending their debt service, that he wanted to take a hard look at that and hoped that his colleagues around the table would look at that as well. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:27 p.m. upon MOTION by Council Member Castillo, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Galloway, Boney, Todd, Keller, Vasquez, Quan, Sanchez and Robinson absent. (NO QUORUM PRESENT) MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary