

City Council Chamber, City Hall, Tuesday, August 7, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 7, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; 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.

At 2:00 p.m. Mayor Brown convened the meeting of the City Council and invited Senator Rodney Ellis to the podium and stated that at one time Senator Ellis was a Member of the City Council so it was very familiar territory to him, that today they were honoring this outstanding Houston legislator who recently completed his fifth term in the State Senate, that Senator Ellis had served as Chairman this year of the Senate Finance Committee and was very appropriate that Senator Ellis helped craft the State's budget for this session which would carry Houston over the next two years, and read a proclamation which proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed Tuesday, August 7, 2001 as the Honorable Rodney G. Ellis Day in Houston, Texas. Council Members Goldberg, Boney, Keller, Castillo, Parker, Bell and Robinson absent.

Senator Ellis stated that it was a great session and an opportunity for them in the Houston and Harris County delegation to show that they could work together across bipartisan lines, that on the Senate side John Whitmire and John Lindsey were a tremendous help to him as well as Senator Jackson, and on the House side they had Garnet Coleman and a host of characters from the Harris County delegation who were also a tremendous help, that he was very glad to get this proclamation. Council Members Goldberg, Boney, Keller, Castillo, Parker, Bell and Robinson absent.

Council Member Todd stated that he was very honored to have a surprise proclamation for Bud Taylor, and Mayor Brown read a proclamation that stated that the City of Houston was pleased to join the family and many friends of Bud Taylor and extending best wishes for a happy 70th Birthday and proclaimed that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed August 4, 2001 as Harlan E. "Bud" Taylor Day in Houston, Texas. Council Members Goldberg, Boney, Castillo, Parker, Bell and Robinson absent.

At 2:06 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Ellis led everyone in prayer and the pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Members Castillo, Parker and Robinson absent.

Council Members Tatro and Quan moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Castillo and Robinson absent.

Council Member Goldberg recognized Mr. Brandon Lee Reyes and invited him to the podium and stated that last year he was the State Champion in 5 and under martial arts in San Antonio, that he was an actor and had appeared in a couple of films and had won 127 trophies and awards, many of them taller than he was, that he was really an asset to the community and was like one of Houston's small ambassador's, that he met with a lot of the celebrities that came to Houston and was a big promoter of Houston.

Brandon stated that they could go to his website, www.brandonreyes.com, that if they

wanted his business card they could get one, that he had won 127 trophies and one was 8 feet tall, and Mayor Brown thanked him for being present and asked him to keep up the good work. Council Members Boney and Castillo absent.

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

Ms. Susan Young, 2408 Bartlett, Houston, Texas 77098 (713-790-1020) appeared and stated that she was the head of the South Main Center Association and was present to speak in favor of the University Place proposal regarding decal parking that was Agenda Item No. 35, that the neighborhoods and institutions in the University Place Super Neighborhood had developed a proposal for decal parking that represented a good neighbor policy between the residential areas, the businesses, the Texas Medical Center and Rice University and she wanted to speak in favor of their consensus on this issue, that Mr. Greg Marshall was present representing Rice University and they were deeply involved in this whole proposal as well. Council Member Parker absent.

Ms. Anna Nunez, 13731 Vickston Ln., Houston, Texas 77014 (713-968-4494) had reserved time to speak, but was not present when her name was called. Council Member Parker absent.

Mr. Marc Campos, 816 Ralfallen, Houston, Texas 77008 (713-348-6782) appeared and stated that he wanted to thank them for getting involved in the race for City Council District I, that he was referring to Council Member Vasquez's proposed ordinance so called Ethics Ordinance which was unfairly targeting one candidate for City Council, Ms. Carol Alvarado, that it was a shame that the Council Members had to get dragged into a campaign that the voters should decide, but they had been dragged in and it was hypocritical at best when the Council Member proposes this to try to curtail certain behavior when he was engaging in the same behavior, meaning that he did not want Carol to be in a position to contact people who do business with the City, that he thinks it would be an unfair advantage for her campaign but at the same time he was making phone calls with people who did business with the City and asking them to support another candidate in that race for District I, that the public loses confidence in City government and City officials when they move forward initiatives and call them good government when all it was, was a Council Member's effort to throw a wrench into the campaign of a future colleague.

Council Member Keller stated that they were not saying that somebody could not run for office, that he resigned and they had people take leave of absences, that if his chief of staff did that he would either fire him or have him take a leave of absence, that he was certain that nobody could pull this off by working fulltime and running for office.

Council Member Boney stated that he did not think that people ought to be forced to resign their position in order to run for officer wherever they worked, that he did not see anybody raise this when Chief Sam Nuchia decided that he wanted to run to be a judge instead of being Chief of Police, that taxpayers had a right to expect and deserve was that from 9 to 5 on taxpayer time they were doing taxpayer business and if they were doing something other than taxpayer business between 9 to 5 he thought the appropriate investigations and actions ought to be taken based upon that, that was what they had an OIG office for and that was what other offices were for so he saw no reason to force someone to resign, and asked Mr. Bibler if once they designated a treasurer was that the point which triggered the necessary resignation from a high ranking official with the City, and Mr. Bibler stated yes, that it used the standard Campaign Finance Law definition of a candidate was when they announced their appointed treasurer rather than when they actually sign up in the fall to be on the ballot. Mayor Brown and Council Member Goldberg absent. Mayor Pro Tem Boney presiding.

Council Member Vasquez stated that many of the critics that oppose the particular policy

had overly engaged in personal and political attacks and were doing it to divert attention away from the very ethics of the situation, and that was what was really at stake, not the personal or political attacks by the critics of the policy but was there an ethical situation that needed to be looked at and addressed, that the Charter clearly identifies that there was a distinction between salaried employees of the City and elected/appointed officials of the City and appointed officials of the City were defined as those individuals that were appointed by the Mayor and voted on by Council and because of that the Charter itself created a distinction between the two, that salaried employees were constrained from any number of other activities as well, but elected and appointed officials had a different type of responsibility and in this instance the reason that this ethics policy was needed was because they had, for the first time in the history of the City, an executive level salaried employee running for office and the potential and the perception of conflict of interest could not be avoided.

Council Member Boney asked Council Member Vasquez if he did not think that a salaried employee should be able to run for City Council, and Council Member Vasquez stated that was what the policy said and what came out of committee.

Council Member Parker stated that Council Member Vasquez had said this was the first time this had happened, but they had Mr. George Biggs who was also running so there were at least two in this position, but she could think of at least one other person, Ms. Lois O'Connor who was a Senior Aid to John Goodner ran and there may be a number of others, that it was not the first time and was not unprecedented.

Upon further discussion Council Member Bell asked Mr. Campos if he could say that there was no situation where he could see someone trying to capitalize on their appointed position to gain favor in an election, and Mr. Campos stated that he thought those were the rules that existed out there, that it existed in just about every race for every political office, that somebody had a perceived advantage, they knew folks downtown, they knew Republican and Democratic money givers, that everybody had advantages, that they were operating by the rules, that Carol even had a discussion with the Mayor about when she would take a leave of absence, that it was September 1, 2001, and Council Member Bell stated that was helpful information, and Mr. Campos stated that nobody bothered to ask and the next thing they knew was that somebody had a proposed ordinance, that he thought there needed to be a full discussion and debate about it outside of an election season. Council Member Boney absent.

Council Member Todd stated that in the case of the proposed ordinance he thought that there was certainly some merit to it, but the concerns that he had was that it was pretty clear that at least on the east side of town it was being perceived as an anti Carol Alvarado ordinance and he thought whether or not that was the intent, the reality was that it colored the entire ordinance and certainly as a policy they should never pass any ordinance to try to give somebody in an election a political advantage. Council Member Boney absent.

Council Member Goldberg stated that he thought one of the points raised was the undue influence and asked if he found anything unseemly about the fact that his client was the liaison to the Port Authority and the Chairman of the Port Authority was her treasurer, and Mr. Campos stated that no more unseemly if he was to pull some of the literature from some of the people at the Council table who vote on Port issues as candidates or as incumbents, that they had James Edmonds listed on their literature, and Ned Holmes, and what was wrong with Carol Alvarado getting James Edmonds to be her treasurer under the rules that govern City elections. Council Members Boney and Castillo absent.

Council Member Vasquez stated that it was encouraging to know that no matter what the critics say the fact still remains that District I voters would still decide the selection irrespective of

what happened with the policy.

Mr. Greg Marshall, 6320 Main St., Ste. 182, Houston, Texas 77005 (713-348-6782) appeared and stated that he was University Relations Director at Rice University and was present to reiterate Rice's support of the forthcoming ordinance on resident permit parking, that for several years Rice and its University Place neighbors had been working together to try to solve the problem of chronic over parking on residential streets near the campus, that they believed the legislation that was currently being considered was the best and most equitable long term solution for all of the interests involved, residential, commercial and institution, that they had a copy in front of them of the letter their president had sent in support of this legislation and the requested amendments, which he believed had been added to the document already and would be happy to answer any questions. Council Members Boney, Todd, Castillo, and Sanchez absent.

Upon questions by Council Member Goldberg, Mr. Marshall stated that they understood the language that had been added by Council Member Parker addressed the concerns that they had and therefore they were in full support of the ordinance. Council Members Todd, Castillo, Sanchez and Bell absent.

Council Member Boney asked if any new neighborhoods wished to request the same opportunity of decal parking what would they need to do, and Mr. Bibler stated that they would just need to bear with them for 16 months, that during the first 16 months of the ordinance only the near southside area that had been described in the ordinance was eligible, and at the end of that 16 months, absent anything else happens, every area in the City would be eligible, that they would need to make an application and go through the Planning Department to get the forms and fill them out, that Ms. McAbee would be in Council tomorrow and would get with him, and Council Member Boney asked that he let Ms. McAbee know that he was interested in understanding the legal definition of chronic and continuing, how they were legally defining as chronic. Council Members Goldberg, Todd, Vasquez, Castillo, Sanchez and Bell absent.

Mr. Wadey Yaya, 10619 Nobiti, Houston, Texas 77099 (281-782-3349) appeared and stated that he was present representing Yellow Cab to approve the increase of rates, that he thanked them for their support because they needed the increase, and Mayor Brown asked if he supported the increase and Mr. Yaya stated that yes he did. Council Members Goldberg, Todd, Ellis, Vasquez, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that he wanted to recognize former Council Member Mr. Felix Fraga who was present in the Council Chambers. Council Members Goldberg, Todd, Ellis, Vasquez, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. Michael A. Mays, 4200 Lockfield St., Houston, Texas 77093 (832-372-4154) appeared and stated that he was in support of the taxicab rate increase, that they really needed it very much to help their business going everyday, that he dealt with handicap people everyday, that he had to fill up twice a day and his maintenance was higher, and Mayor Brown asked if he supported the increase and Mr. Mays stated yes. Council Members Goldberg, Todd, Ellis, Vasquez, Castillo, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. Bissong Bissong, 8100 Bellaire Blvd., #1463, Houston, Texas 77036 (281-235-3448) appeared and stated that they did support an increase in the fare, but the problem which needed to be mentioned was that at the moment the current plan they had was flawed in that the meter rate did not equal the zone rate so if there was any fare increase he would suggest that they make the meter rate equal the flat rate because drivers were being cheated and were losing a lot of revenues, that they were losing a lot of business to their competitors, that the express buses took most of their business so if the City wanted to enact any fare increase they would strongly

support that the meter equal the flat rate. Council Members Boney, Goldberg, Vasquez, Sanchez and Robinson absent.

Mayor Brown asked if the bottom line was that he supported the fare increase, but would like to see some modifications and Mr. Bissong stated yes, and Mayor Brown asked how he would advise the Council to vote, for or against the fare increase, and Mr. Bissong stated that he would advise the Council equal the meter and flat rate, and Mayor Brown stated that they could take a look at what he was interested in later on. Council Members Boney, Goldberg, Vasquez, Sanchez and Robinson absent.

Mr. Paul Amyalebechi, 8500 Nairn, Houston, Texas 77074 (713-446-9465) appeared and stated that he was present not to support the increase in the rate fare because they should understand that all of the increases came from somebody, that right now they were already in the soup, that business was very slow and they were competing between the Coach USA and the taxis, that most of the time the taxis posted at the airport took a long time, that most of them spend between five to eight hours to have one fare, that they were losing a lot of money, that zone rates in comparison to meter rates they lost between five to ten dollars depending on where the customer was going, that they should also consider that Coach USA was taking more money from the cabdrivers, that in regard to drug testing, that they should understand that cabdrivers were at risk, that most of the time they lose their lives or get robbed, that they wanted to test innocent cabdrivers, that not only would they be tested for drugs but the cabdrivers had to spend the little money they had to pay for the drug tests, that it was not fair and he was saying that if the cabdrivers were going to have the drug tests the City should pay the amount for the drug test, that it was not fair for them to pay for the test, they did not have the money, that as to the renewal of license he did not think that they should have to renew the cab license every year, that they should be able to renew every four years instead of every year and it would help their business. Council Members Boney, Goldberg, Vasquez, Parker, Quan, Sanchez and Robinson absent.

Mr. Henry Uwadoka, 11507 Coach Field, Houston, Texas 77035 (713-291-3587) had reserved time to speak, but was not present when his name was called. Council Members Boney, Goldberg, Vasquez, Parker, Quan, Sanchez and Robinson absent.

Mr. Ellis Houston, 1406 Hays Street, Houston, Texas 77009 (713-224-4445) appeared and stated that he was the Executive Vice President and General Manager of Greater Houston Transportation Company, that on behalf of Greater Houston Transportation Company and on behalf of what he believed to be the vast majority of Houston's 92 taxi companies and 3,000 plus taxi drivers he respectfully asked the Council to pass without further delay the taxi fare increase proposal that was on tomorrow's Council agenda, that because most of them were aware of the details of the proposal he would not elaborate further other than to state that the ordinance that would appear before them had been reviewed by the Finance and Administration Department with subsequent recommendation that it be approved by both the administration and the unanimous recommendation of Council's Regulatory Affairs Committee. Council Members Boney, Goldberg, Vasquez, Parker, Quan, Sanchez and Robinson absent.

Mr. Onwuka Onumah, 6310 Dumfries, Houston, Texas 77096 (713-779-3299) had reserved time to speak, but was not present when his name was called. Council Members Boney, Goldberg, Vasquez, Parker, Quan, Sanchez and Robinson absent.

Mr. Darrell Scott, 8601 Broadway Blvd., No. 1273, Houston, Texas 77061 (713-649-5294) had reserved time to speak, but was not present when his name was called. Council Members Boney, Goldberg, Vasquez, Parker, Quan, Sanchez and Robinson absent.

Rev. Harvey Augustine, 3722 Sakowitz, Houston, Texas 77026 (713-330-9845) had reserved time to speak, but was not present when his name was called. Council Members Boney, Goldberg, Vasquez, Parker, Quan, Sanchez and Robinson absent.

Mr. Richard Flores, 515 Indiana, Houston, Texas 77578 had reserved time to speak, but was not present when his name was called. Council Members Boney, Goldberg, Vasquez, Parker, Quan, Sanchez and Robinson absent.

Mr. Frank Kuropata, 1122 Lauder Rd., Houston, Texas 77039 (281-987-1144) appeared and stated that he worked as a designer for Neon Electric Corporation, a sign company in Houston and was present to ask their permission to place a sign on City property, that he was speaking today on behalf of one of their customers, Methodist Diagnostic Hospital, that they called on them and ordered a sign which they built and they mistakenly thought that they could place the sign out near the curb because there were other adjacent businesses that had placed signs next to the curb, that after examining the signs he had found that some of them indeed were quite close to the curb, some as close as six inches, but all of the signs were directional signs which did not require a permit, that they went to acquire a permit for their sign and the plan checker at the Sign Administration confirmed that and stated that indeed they could not put the sign out next to the curb, however they could place the sign on the opposite side of the sidewalk next to the building, so they put the sign there, that the permit was issued and paid for and the hospital then proceeded to bring the electrical service out to that spot as well as excavating a form to pour the foundation and the concrete base that the sign would sit on and when the City inspector appeared on the site he said they could not put the sign there because it was on City property, that apparently the City property went all the way up to the building and essentially they would have to place the sign inside the lobby which would not be effective, that he had some photos which showed some bollards which were placed right next to a passenger drop off lane which were also on City property and the bollards were also electrical and lit up like a sign would light up and the City did not have any problem in getting permission to put the bollards on City property, that the proposed location of the sign did not pose an hindrance to public or vehicular traffic. Council Members Boney, Goldberg, Keller, Vasquez, Quan, Sanchez and Robinson absent.

Council Member Parker moved to suspend the rules to hear from Ms. Anna Nunez at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg, Boney, Keller, Vasquez, Sanchez and Robinson absent. MOTION 2001-0887 ADOPTED.

Ms. Anna Nunez, 13731 Vickston Ln., Houston, Texas 77014 (713-968-4494) appeared and stated that she was present to speak in behalf of Carol Alvarado, that Ms. Alvarado had been really instrumental on behalf of the Latino community, especially in establishing the Hispanic Advisory Committee and the Immigrant and Refugee Affairs, that in consideration of all that was going on she read a poem by Dr. Martin Luther King, and asked them morally and as representatives of the community to do what was right. Council Members Goldberg, Boney, Keller, Vasquez, Sanchez and Robinson absent.

Mr. W. M. "Bill" Elkin, 17123 Coral Cove Court, Houston, Texas 77095 (281-345-7007) appeared and stated that as Executive Director of the Houston Police Retired Officers Association his appearance today stressed the grave and anxious concerns that had arisen among many retired police officers, surviving spouses of police officers and even many active duty police officers, that he was also sure that these same concerns would be expressed by other active and retired City employees, that the concerns arose from a letter sent by Blue Cross and Blue Shield of Texas on behalf of their HMO Plan, HMO Blue Texas, that they mailed a letter to those participants in the City health plan who had primary care doctors and hospitals that

were within the Memorial Herman Health Network informing them that as of August 16, 2001, Blue Cross Blue Shield affiliation would be terminated with Memorial Herman Health Care Systems, that a second letter from Blue Cross Blue Shield then laid the decision for termination solely on Memorial Herman Health Care Systems, that this may or may not be entirely true since the content of any negotiations between the parties was not known, however one members doctor told him that he was given an ultimatum by Blue Cross Blue Shield to "take \$7 per patient or leave it", that did not appear to be in the best interest or spirit of negotiations, that the sudden action had left many retirees and active employees stunned, that many were patients with chronic illness and this event had taken away a certain comfort level for medical care that was built up by a long term relationship with their doctors and certain hospitals, that some retirees were arbitrarily assigned to new primary care physicians whose offices were some distance away from their homes, that one such instance placed a retiree whose wife had an ongoing heart condition with a distant primary care physicians who was actually listed in the directory as a pediatrician, that the retirees were asking that they look into this matter to the fullest and exert any influence that would result with both Blue Cross Blue Shield and Memorial Herman Health Care Systems to come to terms, that this would allow those retirees and active employees to continue with their chosen doctors and hospitals. Council Members Goldberg, Keller, Sanchez and Robinson absent.

Mayor Brown stated that he was correct, that Memorial Herman Hospital System had advised HMO Blue Texas that the system would terminate its relationship with HMO Blue effective August 16, 2001, that as a result of that there would be a loss of doctors and 13 medical facilities that now served in the Houston area and that included Herman Hospital out in the Medical Center, but HMO Blue was continuously and aggressively working to sign individual contracts with the primary care physicians who were members of the Memorial Herman Health Care Systems, that today they signed 20 primary health care physicians to individual contracts, that in addition HMO Blue would continue to negotiate with the Memorial Herman Health Care System and would negotiate up to the August 16, 2001 date, so there was still a possibility of the two groups reaching a compromise, that HMO Blue would continue to work with members to make sure that there was a smooth transition to take care of their health needs as required. Council Members Goldberg, Keller, Sanchez and Robinson absent.

Council Member Tatro requested that they have some kind of briefing from Ms. Aldridge or the administration tomorrow during the Mayor's Report on the status of this and going over it in a little more detail some of the points that Mr. Elkin had gone over, and Mayor Brown stated that they would make sure they get a briefing. Council Members Goldberg, Keller, Sanchez and Robinson absent.

Council Member Ellis asked Mr. Elkin if his association had a representative that served on the board when they went through the selection process, and Mr. Elkin stated that he was one of the representatives with the Health Benefits Advisory Committee but all they looked at was the health plans and signed, they were not privy to the negotiations. Council Members Todd, Keller, Vasquez, Sanchez and Robinson absent.

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

Ms. Sharon Alexander, 4331 Oxford, Houston, Texas 77022 (713-692-6739) appeared and stated that she was employed with Metro, that she was arrested a week after the flood, that she met the Mayor at the Salvation Army on Irvington on June 9, 2001, that she was temporarily staying there, that her children were living with her mother during the flood, that she took her children to Water World on June 15, 2001, that during the time they were at Water World her

backpack was missing, that she addressed this to the security and during the time they were discussing the disappearance a police officer came to her and said that she was causing a big commotion at Water World, that she had lost everything she had during the flood and that was all she had, that she went to jail and they said she had hot checks and traffic violations, which she did not, that they handcuffed her in front of her children, that they did not want to hear what she had to say, that her brother picked her children up from Water World, that she kept complaining that the handcuffs were too tight, that she stayed on Mykawa Road for one night and then she was transferred to the County jail downtown, that she went to court and pleaded guilty because she wanted to get out of jail. Council Members Todd, Keller, Vasquez, Sanchez and Robinson absent.

Mayor Brown asked Ms. Alexander what would she like to be done at this point because in the context that she had already been to court and entered a plea of guilty, and Ms. Alexander stated that she wanted to find out why she was arrested for hot checks and a traffic violation, and Mayor Brown stated that Assistant Chief Quillan would meet with her. Council Members Todd, Keller, Vasquez, Sanchez and Robinson absent.

Ms. Cheri Butler, 1066 South Lane, Houston, Texas 77088 (281-734-4164) had reserved time to speak, but was not present when her name was called. Council Members Todd, Keller, Vasquez, Sanchez and Robinson absent.

Mr. Arthur Moore, 8800 Broadway, No. 5328, Houston, Texas 77061 (713-645-3056) had reserved time to speak, but was not present when his name was called. Council Members Todd, Keller, Vasquez, Sanchez and Robinson absent.

Mr. Willard Hunter, 4801 Scott No. 3, Houston, Texas 77004 (713-529-9754) had reserved time to speak, but was not present when his name was called. Council Members Todd, Keller, Vasquez, Sanchez and Robinson absent.

Ms. Jeanette Rash, 2104 Lyons Ave., Houston, Texas 77021 (713-228-8872) appeared and stated that she was present representing her 21 employees and many of her friends and relatives who were in the towing business, that as many of them had heard as of Friday all permits for towing, including tow truck license and wrecker driver licenses, were suspended by the City because of a Fifth Circuit Court decision that concerned towing in preemption of motor carriers, that she had passed out a copy of that decision, that the court had finally after all this time, because it all happened in 1994, had gotten to the nuts and bolts, and that was what it looked like to her in that decision, that regulation of police non-consent tows looked like what was basically left for cities, that they had to be careful in doing that, that it had to be proprietary, and she thought that the court really gave them a test that they had to pass, that she had lived with it since 1994, that there was no regulation of consent towing anymore, only the State could regulate safety and insurance, that there was no question about that anymore, that private property tows were considered to be a proprietary insurance that the property owners chooses the towing company, that fortunately they had a very articulated State law that was for private property tows and it held the owner of the property and the towing company accountable for violations of the transportation code, that they also had a hearing that a person who felt they were illegally towed could have so they did have that much protection as far as tow companies were concerned that was in place, that there was no question and there had not been any questions since Senator Hutchinson passed an amendment to allow non-consent tow rates to be regulated by political subdivisions that there was no question about that, that they in the towing industry were waiting, they were concerned and worried, they felt they had gone back to the fifties to a great degree and did not feel like they could exist in this open situation for a long period of time, that she was for Council and Legal to quickly make a decision of where they were and thought that when they got down to the nuts and bolts of it they regulate police tows in a

proprietary manner and that was the way they got to where they needed to be and passed the test, that they needed to establish a system as soon as possible because they did have situations, that they could get a hurricane, that their daily congestion issues needed to be addressed. Council Members Keller, Sanchez and Robinson absent.

Upon questions by Council Member Boney, Ms. Rash stated that she wanted the Council to know that this had happened and that it had a tremendous immediate impact on the industry, that they jumped up in the central zone to over 30 trucks at each scene and with the construction downtown it was just not manageable, so there were decisions that had to be made and needed to be made very quickly for those of them who were trying to manage and run their businesses in this situation, that her recommendation was that she thought that the City could look at a contractual situation with towing companies and would hope that it would be similar to what they had with auto dealers detail which was storage lot agreements that required additional requirements above State law that were open to anyone but they had to be willing to agree to the terms of that contract, that she had not met with the City staff because it just happened Friday and she had been trying to gather information and see where the Texas Department of Transportation was on the issue and try to contact Washington and try to relay what a desperate situation they found themselves in and hope that they would reconsider this issue; and Council Member Boney stated that he wanted to thank her for the very positive intervention that she did on behalf of one of the flood victims, that there was a flood victim who got caught in a towing situation and Ms. Rash intervened and was very kind to one of the citizens.

Mayor Brown asked Mr. Bibler to give them a quick update on that legislation that Ms. Rash mentioned had come out on Friday, and Mr. Bibler stated that the Fifth Circuit had joined with two of the other circuits in holding that the authority that was delegated to States to regulate intra State trucking, including towing, with respect to safety and financial responsibility stopped at the State level and had to be done from Austin, in Houston's case, and as Ms. Rash said the only exceptions that the City had essentially was the one with regard to the price of non-consent tows and their authority to, on a proprietary basis, make the arrangements that they wished to make for tows that were actually authorized by the police department, but there again the case was very expressed that those had to be tows in circumstances where the owner was incapacitated or the owner was unwilling to make an arrangement with another towing company for a consent tow so their hands had been tied very considerably and thought they took the only rationale action in suspending the licenses and permitting programs out of F&A because they very clearly were based on safety and financial responsibility and they were working with the police department to discuss their options on the proprietary issues with respect to police tows, that they had a meeting this morning and were expecting to have a meeting at a more senior level within the next few days. Council Members Keller and Robinson absent.

Council Member Parker stated that she was very concerned about this issue and they certainly did not want to have 20 wreckers at an accident scene, that they had enough now and did not want to add to the situation, and asked Ms. Rash if she was saying that they could do something, that they could contract privately with as many companies that wanted to contract with the City and set a higher standard and asked if this had been done in other cities, and Ms. Rash stated that in Santa Ana, California there were multiple vendors and there were a couple of other ones who went to a court of appeals to different circuits and had single providers, but also in a second circuit in New York there were several vendors, that she totally agreed with Mr. Bibler that it had to be police authorized tows only, that in a situation where the officer felt that because of time restraints to get the tow truck or the traffic situation, he could move the vehicle and it would be non-consent. Council Member Robinson absent.

Council Member Castillo stated that he thought it was not safe for the public for the towing industry to be totally unregulated for any significant amount of time, that they needed to act faster

at this point and would hope that the Legal Department would look at creative ways to protect the public given whatever latitude was left and that they act to create either contracts or incorporate the new definition under the new State law to include the various kinds of non-consent tows that were authorized under the law. Council Member Robinson absent.

Council Member Todd stated that the ruling, as he understood it, had preempted municipalities from regulating certain types of towing activities and he thought whereas there probably were some things they could do on a local level, if they read between the lines on the ruling. what he intended to discuss at the committee level was whether it may be a good idea to go ahead and work at the Federal level to have the statute changed so they would not have to rely on a loop hole, that he would follow up on this and would make certain that it was posted at the next Regulatory Affairs meeting so they could discuss what their options were and he had already sent a memo off to the City Attorney asking them to present them with not only what the situation was but also what their options were. Council Member Robinson absent.

Ms. Erma Palmer, 6939 Old Clinton Rd., Houston, Texas 77020 (713-673-3050) appeared and stated that she was present to represent Unified Auto Works, they were a collision facility and had a contract with the City of Houston to have an approved storage facility and they had five wreckers, that she was present to reiterate a little of what Ms. Rash had spoken about, that she had not been able to sleep since Friday and since this law came down, that when the Federal government passed this particular law the safety of the citizens of Houston was not being protected, that the circular that the chief of police passed out disrupted her spirits, and although there were no regulations for the wrecker drivers and tow truck drivers in the City of Houston she wanted them to know that they could count on Unified Auto Works to regulate themselves, that the safety of the City of Houston was and had always been their first priority, that she had to agree that they needed to improve some of the regulations they had with the wrecker drivers and the industry in particular, but the citizens were not being protected at this time, that she did not know all the answers but her heart was open to sit and discuss the changes and improvements they needed to make as far as the wrecker drivers were concerned, that they needed to be regulated with the requirements and the system itself, that they highly regarded the privilege of the contract they had with the City as a storage lot facility, that they had an impeccable record with the City of Houston and their storage lot facility, that they had five trucks and three acres of land to tow contract tows, that they were open, ready and willing to sit at any point of time to get down to the nuts and bolts and once and for all come to some type of agreement so she would not have to worry about driving on the street herself. Council Members Tatro, Todd, Castillo, Parker and Robinson absent.

Council Member Galloway thanked Ms. Palmer for coming down and expressing her views and wanted to thank Ms. Rash as well, that they were certainly willing to work to try to get some kind of remedy to this situation. Council Members Tatro, Todd, Castillo, Parker and Robinson absent.

Mr. Ricky Hurt, 2500 Mt. Houston, Houston, Texas 77038 (281-448-0959) appeared and stated that as a member of CAUSS Citizens Against Ugly Street Span he says let the races begin, if they were a candidate for Mayor, City Council or other offices in this years November race they could now place their campaign bandit signs up at 12:01 a.m. tonight, that there were 90 full days before the election and according to the State Law Transportation Code 391.005 they could place their signs on private property, with permission, that they could be erected on the 90th day before the election and must be removed 10 days after the election, that some of them may not know that, that they must be constructed of light weight material and no larger than 50 square feet, that if they put these signs on telephone poles, traffic poles or public right of ways they would be wrong because there were citizens activists that would literally destroy their signs and dispose of them in the dumpster, that if the Sign Administration notifies them of their

illegal signs and they refuse to remove them they could get a fine per day per sign, so inform their volunteers about the law, that this law applied only to those individuals involved in the elections. Council Members Tatro, Galloway, Todd, Castillo and Robinson absent.

Council Member Quan thanked Mr. Hurt for his good work in removing the bandit signs and for the information he provided today. Council Members Tatro, Galloway, Todd, Castillo and Robinson absent.

Mr. Trent Winters, 7967 W. Airport Blvd., Houston, Texas 77071 (713-781-2260) appeared and asked Council Member Boney if he knew Montgomery Watson, Mr. Winters was advised that his time was running and chose to stand in silence until his time expired. Council Members Tatro, Galloway, Todd and Robinson absent.

Ms. Edna Douadi, 10902 Roark Rd., Houston, Texas 77099 (281-933-0909) appeared and stated that she was the President of Globe Electric, a woman owned minority company, that she was present about four weeks ago in reference to the Traffic and Transportation Bid, that she was the lowest vendor by \$40,000 but the award was given to another company, that Council Member Quan and the Mayor had asked the Legal Department for advise and as she understood it the Legal Department came out with the fact that it was just a minor defect and the City may or may not reject the bid, that \$40,000 should be a lot of money for the taxpayers, that she also encouraged the Mayor and Council Members to investigate into their new system, that she had been working with the City for 20 years and there had been a new pattern that worked on consolidations instead of working with smaller companies and giving them an opportunity to quote on things. Council Members Tatro, Galloway, Todd and Robinson absent.

Council Member Quan asked Mr. Bibler if the State of the law was when a bid was found defective on certain parts there was some discretion in certain cases and did not know if he received a copy of the opinion from the Legal Department on Ms. Douadi's situation, and asked if there was discretion in this case, and Mr. Bibler stated that the opinion so indicated, and Council Member Quan asked what was the Purchasing Department's procedure if the bid was being challenged, and Mr. Bibler stated that in some cases where they had a question they come to the Legal Department before they took the action and his understanding, which was subject to verification, was that in this case they went ahead and took the action and did not even raise an issue with Legal, that Council Member Quan raised the issue and they issued the opinion to him, but thought that was after the fact, that they did not have someone assigned to their department who oversees their operation, they came to them when they thought they had a questionable matter that required legal assistance, that people who were aggrieved by the actions of City departments could take that up with the City departments on a daily basis, but again it was up to the department to decide whether or not, based on the nature of the matter, whether or not they believed they needed legal assistance to resolve it. Council Members Tatro, Galloway, Todd, Keller, Castillo, Vasquez, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan moved to suspend the rules to hear from Mr. Calvin Wells, Director, Purchasing, at this time, seconded by Council Member Parker. All voting aye. Nays none. Council Members Tatro, Galloway, Todd, Vasquez, Castillo, Sanchez and Robinson absent. MOTION 2001-0888 ADOPTED.

Upon questions by Council Member Quan, Mr. Wells stated that he received a copy of the opinion issued by the Legal Department that said it was a minor infraction, that when they request a bid to be submitted for an, item or items, they describe what they were looking for in the bid documents and that was exactly what they expected to receive, that they clearly asked for the information in the bid document, that was what they anticipated on seeing, no more or no less, that he had the right to go to Legal before it came to Council as he had the right to go to

Legal for any information prior to any item coming to Council and they do when they deem it is necessary to be done, that in this case he did not deem that it was necessary to seek legal advice prior to making the award, that this company did not provide the necessary documentation that they deemed would be necessary to make the award, that the award was made prior to Ms. Douadi coming to Council previously and if he had to make the same decision again he would make the same decision. Council Members Tatro, Galloway, Todd, Keller, Castillo, Vasquez, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Boney stated that he did not know if they could avoid having disputes and controversies on bids, that he had been on Council five years and someone was always unhappy and they had good arguments around their position, that he did not know what happened on this matter, but he did believe that as a matter of consistency and law the department and the Legal Department and Council tried to do the right thing for the taxpayers, and hoped that they would try to assure that small businesses get opportunities to compete. Council Members Tatro, Galloway, Todd, Keller, Castillo, Vasquez, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated www.galvan.org, that there was one thing that his ex spouse Richard William Partsch taught him, that they could twist anything around and he thought that Mr. Campos was good at twisting all the information around because this was not an anti Carol Alvarado, that he agreed that they should vote yes on Item No. 14, that it was the right thing to do, to vote on Item No. 14, that he lived in District I and was a part of this, that this was all political, that they were all going to try to pick who they wanted here and there, that he was a candidate also and did not like the fact that Carol Alvarado also sat appointed to the Mid Town Redevelopment District, that she was also appointed to that, that they were going to get into the politics, that he was going to get into the politics, that it was all politics, that he was not going to vote for Carol, that he was going to vote for Mr. Morris or one of the other ones, but thought it was right to vote yes on Item No. 14. Council Members Tatro, Galloway, Todd, Keller, Vasquez, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. Christopher Okafor, 8802 Pecan Place Dr., Houston, Texas 77021 (713-771-6105) appeared and stated that he was present again to say that they should not increase the cab fare on the grounds that the Yellow Cab Company had 65% of the cab industry and had the monopoly of the Coach USA and the monopoly of the Metro services, that they should vote no to the cab increase, that he had in his deliberation specified ways under which cab drivers should have their increase and that entails normalizing the flat rate, exclusion of the senior citizens discount and making sure that cab drivers work less hours. Council Members Tatro, Galloway, Todd, Keller, Vasquez, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mr. J. W. Masseh, P.O. Box 742713, Houston, Texas 77274 (713-478-9692) appeared and stated that when he was last present he said that they would accept the rate increase in principal, but the zone rate and the meter rate were too varied, that he knew that they would increase the rate, that he made his proposal, that they wanted a rate increase but to a minimum and that was at 5 cents per mile, that if they wanted to do a rate increase they must get \$1.65 per mile, that they would not worry about a zone, they would not get it, if they could take the higher rate and they say the meter rate would go up and if the driver asks for the zone rate and not the meter rate they would call the driver a criminal, that as he said last time he was speaking for more than 500 drivers. Council Members Tatro, Galloway, Todd, Keller, Vasquez, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that they would address his other issues, but the only issue right now was the increase and they would address his other issues. Council Members Tatro, Galloway,

Todd, Keller, Vasquez, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

At 4:03 p.m. upon motion by Council Member Quan and seconded by Council Member Bell, City Council recessed until 9:00 a.m., Wednesday, August 8, 2001. Council Members Tatro, Galloway, Todd, Keller, Vasquez, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 8, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, August 8, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Al Haines, Chief Financial Officer, Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Assistant City Attorney; Ms. Martha Stein, Agenda Director present.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:13 Mayor Brown reconvened the meeting of the City Council. Council Members Boney, Todd and Bell absent.

Council Member Robinson moved to suspend the rules to consider Item Numbers 37, 14, 35 and 35a out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney, Todd and Bell absent. MOTION 2001-0889 ADOPTED.

MAYOR'S REPORT

Mayor Brown stated that before they moved on to the agenda he wanted to use the time allotted for the Mayor's Report to talk about their health and benefit issue and invited Ms. Candi Aldridge to the podium as this was an issue that they discussed yesterday and he promised to bring someone to Council to update them on the concerns. Council Member Boney absent.

Ms. Aldridge stated that she first wanted to express their serious concern about the potential departure of 49 Primary Care Physicians and 13 hospitals affiliated with the Memorial Healthcare systems, that HMO Blue and all of its predecessors had always offered to the City broad access to the finest physicians and hospitals and they were concerned about maintaining that level, that yesterday, the Mayor gave them update on the status of the termination of the Memorial Herman Hospital System and the Memorial Herman Health Network providers, that today she would give them some background about what led up to this point, that when Blue Cross purchased the NYLCare HMO last year, they began plans to consolidate all their statewide HMOs into one single HMO, one single service area, that as part of the consolidation, they tackled the monumental task of creating uniform contracts with participating doctors and hospitals, that they were also consolidating and upgrading their internal claim system, in creating uniform contracts, some terms were different for some of the doctors, some rates were offered at a higher rate and some rates were offered to them at lower rates than they were previously making, that the Memorial Hermann Hospital System then intervened in the process on behalf of the doctors and they sent a formal notice to Blue Cross Blue Shield and HMO Blue Texas terminating all contracts, HMO, PPO, POS, everything they had, stating "business reasons" as the cause, that in the negotiations they stated that if the health plan (meaning HMO Blue), did not contract with the doctors through the Memorial Physician Organization, at terms to be determined by that organization, the hospital system would not participate in any Blue Cross network, including the City's own HMO Blue Texas, that the termination date was August 16, 2001, but the negotiations continue with the doctors and the hospital system, that she

understood that the impact of yielding to their desires without any negotiation is worth multiple millions of dollars, a large share of which would be borne by the City, that specifically for the City, there were 49 Primary Care Physicians at risk, but 20 of them had signed individual contracts with HMO Blue Texas, thereby remaining accessible to the City members as independent physicians; that the 2,700 City patients of those doctors who did not sign an individual agreement received a letter recently encouraging them to select another PCP, and announcing that the fallback position would be assignment to another PCP in their home zip code, that any of those members may select a different PCP, if they did not want the one they were assigned to, by calling the customer service number, and requesting another PCP, that if their doctor ultimately elects to remain in the network, they may select them back as their PCP, and for health care in progress they could certainly assist anyone in seeking transition of care, that about this same time last year, the Memorial Hermann Hospital System gave a termination notice to another local HMO and negotiations continued through the summer, and a compromise was reached in the dark hours of the final night before the termination notice, that because the City already had very broad geographic access to almost 1,500 Primary Care Physicians and 43 area local hospitals, they would continue to monitor the negotiations, and encourage both parties to compromise for the good of the community, and they strongly believe that market forces will favorably influence the outcome of these negotiations. Council Member Todd absent.

Upon questions by Council Member Sanchez, Ms. Aldridge stated that contracts with physicians had staggered expiration dates, and at any one period of time whether they looked at 6 months or 3 months, someone's contract was expiring, and during their relationship with HMO Blue and all of its predecessors they had continuously monitored contracts that were expiring and renegotiations, that she did not believe that there was any information withheld from them during the negotiations, that they were aware from the beginning that they were going to consolidate their four HMO's in the State of Texas into one HMO and in negotiating with all of the other participating groups around the State she was not aware of any other where a hospital system had intervened or gotten in the middle of it and said they held themselves at risk for favorable negotiations with these physicians, that last fall they had the North American Medical Management IPA, which required extensive renegotiation and believed there were 1,800 doctors in that group, so these things occur all the time during contract terms; that they had 43 other hospitals in the local area and there was some specialized care in the Medical Center that may not be delivered anywhere else, but they were going to continue to monitor their geographic access for reasonable access to hospital care, that the contract had a termination for convenience by the City clause, but she wanted to point that their number two contender for the Health Benefits Plan did not contract with Herman Hospital and they chose not to put them in their network because of high and excessive incomparable costs for hospital care. Council Member Todd absent.

Upon questions by Council Member Galloway, Ms. Aldridge stated that most physicians had admitting privileges at more than one hospital, that she could not give her that detail right now but would expect that most physicians would be able to admit to another hospital, that she would encourage everyone to find out where else the physicians could admit in addition to the Memorial System, that they were going to try to get the other physicians added to the new one, that they had worked very hard to get them to sign up as independent physicians, that it was her understanding that the remaining physicians who had not signed up had an alliance or claimed a loyalty to the Memorial System and had not agreed to sign up as independents yet. Council Members Boney and Sanchez absent.

Upon questions by Council Member Tatro, Ms. Aldridge stated that she believed their termination notice expires at the end of the day on August 15, 2001, so August 15, 2001 would be the first day without them in the system, that HMO Blue was responsible for providing the new information, that everyone should already have received a letter which stated that locations being

terminated as well as the remaining 43 hospitals that were accessible to HMO Blue Texas members. Council Members Boney and Vasquez absent.

Council Member Robinson stated that he had received one of the letters and did not think that the information they provided was very good, that it was a standard form, that he would have preferred some more specifics, that he would like for them to go back and send out some additional information to the City employees who were using those services or doctors or setup some in-service where they could answer questions in detail for City employees as opposed to being on a 800 number, that he wanted to know how many City employees were actually impacted by this determination, how many were using those hospitals for treatment relative to the doctors under the program that had not been signed up, and Ms. Aldridge stated that anyone who was in the hospital now or were scheduled to have a baby in the next few days, those were the people they were very concerned about seeking appropriate transitional care plans, that State law requires it and the City supports it and HMO Blue supports it wholeheartedly, that no one should have to leave a hospital or transition care at a very critical point in their regiment, that there were 2,700 patients out of the 62,000 members (employees, retirees and independents) that were still signed up with a physician that had not signed an independent contract. Council Member Boney absent.

Mayor Brown stated that he wanted to update them on the flood recovery efforts, that as he mentioned last week, he felt very strongly that as elected officials and also leaders in the community they had a responsibility to facilitate the recovery process, that meant they must help people and help individuals in their neighborhoods get the assistance they need to move forward, that he would hope they would want to restore their neighborhoods but also to make them better than they were before the storm, that they face some very difficult decisions and at times those decisions may even seem to be overwhelming, to assist them through this process, they were meeting with the citizens through their Super Neighborhoods Councils, that this was a more informal personal setting and they were addressing those difficult questions, such as buyout, permitting and housing assistance, that through this community-based approach, they had been working carefully to make this process as straight forward, but most important as easy as possible by providing the information needed as well as the options available, that in the last two weeks they had met with twelve neighborhoods and had four more already scheduled, and were getting the information out, one neighborhood at a time, that he wanted to express his thanks to the Council Members who had worked with them to determine the areas and districts that required the assistance, that indeed their presence in the neighborhoods had meant a lot to those attending and the information they had provided to his office had helped facilitate the teams in properly addressing the needs of their particular neighborhoods, that they were finding that each experience was unique, that the response had been positive and they encouraged everyone with unanswered questions to contact them so that they could get help to them or answer their questions, that in addition to identifying potential assistance from FEMA, the State and the City's Housing Department, local organizations had stepped up and been very charitable. cleaning up homes and offering other assistance to those in need, that please remember that the problems associated with this disaster could not be solved overnight, that it would be a long term process and they would be through the entire process dealing with the issues, as they know, the City was participating in the Harris County Home Acquisition Program, the City inspectors were inspecting homes in the floodplain that they believed to have received substantial damage, and to the Council Members, if anyone in their districts had not yet received an inspection and would like an inspector to estimate damages, to please call 713-837-0600 and a damage estimate would be scheduled, that to date they had completed over 1,000 assessments of the properties to determine substantial damage and they were continuing to submit those to Harris County (412 had been submitted for application) for consideration, that in closing, although there has been significant progress, there was still much that needed to be done, that he would like to address something that had come to his attention that was quite

disturbing and that was in areas where people had to leave their homes, there had been reports of vandalism, that he had spoken with Chief Bradford and asked him to increase the patrols in the hard hit areas, that the message must go out loud and clear that this would not be tolerated and those convicted of such crimes would be prosecuted to the full extent of the law, that it was indeed sad when people take advantage of those who had been victims of this disaster, that he knew Houstonians were better than that, and saw that as he toured the City last night on the National Night Out, that he could feel the neighborhood spirit and the even in those neighborhoods that were hit the hardest by the storm they were out there on National Night Out showing their togetherness and were working together to meet their goals, so whether it was repairs needed after the storm or just bettering the neighborhood through the community process they had a great City that had come together, and the teamwork proved that their neighborhoods were for their families and they were all about making Houston a better place to live. Council Members Boney, Parker and Robinson absent.

37. ORDINANCE approving and authorizing contract between the City of Houston and **RELIANT ENERGY THERMAL SYSTEMS, INC** for Heating, Ventilating and Air Conditioning Operation and Maintenance Services for the Houston Airport System at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field - 5 Years - \$19,386,203.71 Enterprise Fund - **DISTRICTS B - GALLOWAY and E – TODD** – **(This was Item 26 on Agenda of August 1, 2001, TAGGED BY COUNCIL MEMBERS KELLER and ROBINSON)** – was presented. All voting aye. Nays none. ORDINANCE 2001-0737 ADOPTED.

Council Member Boney moved to suspend the rules to consider Item No. 13 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0890 ADOPTED.

14. ORDINANCE amending **SECTION 18-3(b), CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Candidacy for City Elective Office by certain salaried City Officials; containing other provisions relating to the subject; providing for severability – was presented.

Council Member Ellis stated that he knew that Council Member Vasquez had worked hard on this item and he thought that his intentions had been honorable and thought there was some merit with this item or this amendment to the ordinance, that his morning he had a phone conversation with the District Attorney's Office, Mr. Chuck Rosenthal, and he stated that they had a similar case come before the County and went to Federal Court, that the Sheriff in Harris County made a deputy resign to run for public office and he lost the race and came back and sued the County, that not only did the Federal Court find that the County was negligent and violated the First Amendment rights of this individual, but they also said that the Sheriff himself could be held liable, that he noticed there was a disclosure that said that these changes, if enacted, would not become affected until pre-cleared by the United States Department of Justice under the Voting Rights Act of 1965, so it seemed that even the Legal Department had some issues with this as well, that he was advised by the District Attorney that it would be wise if they at least took some time to evaluate the case that he was talking about and he stated that if he voted on the item and it passed he could be liable if they were sued, so for that reason he was going to offer the following motion.

Council Member Ellis moved to refer Item No. 14 back to the administration and allow the City Attorney to evaluate the case and come back with an opinion, seconded by Council Member Tatro.

Council Member Vasquez stated that he appreciated Council Member Ellis bringing this up,

that it was kind of last minute after they had two or three Ethics Committee hearings on the matter, that he was basically addressing the First Amendment issue of the proposed ordinance, that the way the City's Legal Department examined this and the results of their inquiry basically said that there were no restraints on political candidates by public employee's and officer's and were generally held constitutional, that he thought he was mixing apples and oranges because the City did have a right to protect its interest.

Council Member Ellis stated that he talked to the District Attorney and said that Council Member Vasquez had brought to their attention that there were other cities within the State of Texas that had similar laws on their books and he said he understood that but it was not going to become an issue until some individual comes and sues the City, that municipality, and then they would go back to case in point that Tommy Thomas of Harris County was sued because he had a policy that required individuals to resign if they wanted to run for public office, that it had occurred in Harris County and the Federal Courts had ruled that it was a violation of the First Amendment.

Council Member Vasquez stated that the Legal Department did extensive research, three weeks worth of research on this and they missed this issue.

Mr. Hall stated that they try very hard to stay out of active Council debate, that they prepared a memorandum and distributed to the committee members that covered all of these issues and it was his understanding that it was to be distributed to all Members of Council and they were having that done now so they could have it, that he might suggest that if other Members of Council did not get the memorandum that maybe they could postpone this until the end of the agenda so that it could be distributed to them, that these questions were indeed addressed in the memorandum, that they were aware of the case, that it was a District Court case, they addressed the issue in a very thorough manner for the committee and indicated that they would want it distributed to all Members of Council, that the memo spoke for itself.

Upon questions by Council Member Bell, Mr. Hall stated that generally speaking the issues involved a deputy sheriff at the County who had filed as a candidate for constable and the Sheriff's administration determined that it violated their policies and discharged him, that Mr. Cheatham was present and knew all of the details of the case.

Mr. Cheatham stated that they needed to understand that this was an unreported case and they were still following it, that it came out of the District Court and did not know if it was going to be appealed, that they had, in the memo that Mr. Hall was referring to, the opinion that they delivered to the committee, that there were some Fifth Circuit. cases that had dealt with some of these issues and had generally validated restrictions on political activity by public employees, that he did not know how the Fifth Circuit. would view this particular case that Mr. Ellis had brought up, but most of the cases that they had reviewed and placed in the memo either found de minimus First Amendment impact and therefore did not strike them down or they just did not reach First Amendment and they were looking at equal protection issues, that it seemed to be contrary to what they were hearing the Fifth Circuit saying in cases that had been reported out of the Fifth Circuit.

After a further lengthy discussion by Council, Council Member Robinson moved to call the question on the motion to refer Item No. 14 back to the administration, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-0891 ADOPTED.

A roll call vote was called on the motion to refer Item No. 14 back to the administration.

ROLL CALL VOTE:

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

Council Member Vasquez voting no
Council Member Castillo voting no
Council Member Parker voting aye
Council Member Quan voting aye
Council Member Sanchez voting no
Council Member Bell voting no
Council Member Robinson voting no
MOTION 2001-0892 ADOPTED

Council Member Vasquez asked for a point of clarification and asked if Council Member Ellis's motion was to refer back to the committee, and Council Member Ellis stated no, that it was to refer back to the administration.

Mayor Pro Tem Boney stated that in Attachment A of Mr. Hall's memo they listed a number of employees who were employed and sought a position and asked if they could make a strong attempt to find out whether these people resigned or took a leave of absence and when they did, and when they designated a treasurer, and Mr. Hall stated that Council Member Castillo had noted that the list was inaccurate as it cited him and he was correct, that they indicated that they would change it but they did not because they rushed to get it copied for the Council Members, but it would be corrected, and he would get that information for Mayor Pro Tem Boney. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that he wanted to make the request of the administration when they go back in that he would like to offer for consideration that the document be amended to include appointed officials as defined under the Charter, officials nominated by the Mayor and confirmed by Council.

Council Member Vasquez asked Mayor Brown how they intended to handle this, did they intend to send it to the committee or bring it back, and Mayor Brown stated that he had not decided yet, that he would get back with him as soon as possible, that they had to do some more research based on the information shared at the Council table today, that at some point in the future they would bring it back if that was the wish of the Council.

35. MOTION by Council Member Parker/Seconded by Council Member Boney to amend Subsection (a) of Section 45-411 and the first paragraph of Section 45-413 of Item 35A below **TAGGED BY COUNCIL MEMBER BONEY** – was presented, and tagged by Council Member Vasquez.

Council Member Sanchez stated that he owned a duplex in the Rice Village area and asked if one of his tenants had a plumbing leak and he drove his car over to fix the problem at the property he owned, would he get a citation from the Houston Police Department for parking in the street without a decal, would that occur, and Ms. McAbee stated that there was an affirmative defense to prosecution under the ordinance that a service vehicle, and Council Member Sanchez stated that it was his private vehicle, and Ms. McAbee stated that the defense was not limited to marked service vehicles that it was a vehicle that was providing service in the area so if he would be ticketed he would have an opportunity to go to Parking Management and state that he owned the property and was there on that date to do the plumbing repair and he could assert the defense, that she had a copy of the ordinance, and Council Member Parker stated that the remedy was to buy a \$4.00 permit, that it was \$20.00 for the first 2 permits and after that the visitors permits were \$4.00. Council Member Todd absent.

After further discussion by Council, Council Member Vasquez tagged Item No. 35. Council Member Quan absent.

- 35a. ORDINANCE amending **CHAPTER 45, CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Residential Parking Permits – (**This was Item 18 on Agenda of August 1, 2001, TAGGED BY COUNCIL MEMBER BONEY**) – was presented, and tagged by Council Member Vasquez.
13. RESOLUTION to change the name of the Thrust Theater at Houston Center for the Arts to the Yeager Theater - **DISTRICT D – BONEY** – was presented.

Council Member Boney stated that he wanted to commend the Convention and Visitors Department for bringing this forward, that they had a tremendous amount of contributions from the family and Stages had done tremendous work in their community and this was really just acknowledging Mr. John Yeager, who passed away, for all of his extraordinary work in supporting Stages and the arts in the City and urged a unanimous vote on this matter to recognize this outstanding Houstonian who did so much for the City and Stages. Council Member Castillo absent.

A vote was called on Item No. 14. All voting aye. Nays none. Council Member Castillo absent. RESOLUTION 2001-0035 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 34

ACCEPT WORK - NUMBER 1

1. RECOMMENDATION of the Director Department of Public Works & Engineering for approval of final contract amount of \$632,091.12 and acceptance of work on contract with **BEARDEN CONTRACTING COMPANY, INC** for Lancaster Relief Sewer and Hanka Relief Sewer, GFS R-2011-09-3 (4739) - 04.23% under the original contract amount - **DISTRICTS A- TATRO and I – CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0893 ADOPTED.

PROPERTY - NUMBERS 3 through 5

3. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY0-72, located at 1501 Telephone Road, owned by James E. Rainosek and wife Delores A. Rainosek, for the **TELEPHONE ROAD RECONSTRUCTION PROJECT**, CIP N0611A-40-1 \$18,038.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0894 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KY0-110, located at 14300 Briarhills Parkway, owned by Harris County Flood Control District, a body politic and corporate, Bob Gaskins, General Manager of Right-of-Way, for the **DISTRICT 10 WATER WELL COLLECTION LINE EASEMENTS PROJECT**, CIP S-0936-02-2 \$23,000.00 - Enterprise Fund - **DISTRICT G - KELLER** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0895 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 11

6. **TITLEIST/FOOTJOY WORLDWIDE** - \$86,200.00, **WILSON SPORTING GOODS** - \$44,200.00, **ASHWORTH, INC** - \$25,000.00 and **RALPH LAUREN** - \$20,000.00 for Resale Items for Pro Shops for Parks and Recreation Department - \$175,400.00 - Parks Special Revenue Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0896 ADOPTED.
7. **HOUSTON GALVESTON AREA COUNCIL** for Trailer-Mounted Asphalt Crack Sealer through the Interlocal Agreement for Cooperative Purchasing for Parks & Recreation Department \$29,169.41 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0897 ADOPTED.
9. **VARIAN, INC** - \$33,619.00 and **JY HORIBIT** - \$17,000.00 for Laboratory Equipment Part II for the Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0898 ADOPTED.
11. **WESTERN REFUSE & RECYCLING EQ., INC** for Heil Garbage Truck Bodies Aftermarket Replacement Parts Contract for Solid Waste Management Department - \$650,000.00 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0899 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 34

22. ORDINANCE authorizing the City of Houston to submit a request to the United States Department of Housing and Urban Development to borrow up to \$9,500,000.00 of Section 108 Guaranteed Loan Funds and to allocate up to \$950,000.00 of EDI Grant Funds to Finance the Redevelopment of the Building located at 609 Fannin, to be known as “The Magnolia Hotel” **DISTRICT I – CASTILLO** had been pull from the Agenda by the Administration and was not considered.
23. ORDINANCE approving and authorizing amendment to sponsorship agreement (approved by Ordinance 98-804) with **1111 POST OAK BOULEVARD TOWNHOMES ASSOCIATION, INC, (formerly Galleria Townhomes Association)** for Solid Waste Collection Services - **DISTRICT G- KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2001-0738 ADOPTED.
24. ORDINANCE approving and authorizing sponsorship agreement between the City and **SOUTHWOOD PLACE PATIO HOMES** for Garbage Collection Service for the respective subdivisions - 36 Months - \$20,952.00 - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. ORDINANCE 2001-0739 ADOPTED.
25. ORDINANCE awarding contract to **PROCYCLE OIL & METALS, INC** for Parts Immersion Cleaning Service for Public Works & Engineering & Solid Waste Management Departments; providing a maximum contract amount - 3 Years with two one-year options - \$267,491.25 General, Enterprise and Fleet Management Funds – was presented. All voting aye. Nays none. ORDINANCE 2001-0740 ADOPTED.
27. ORDINANCE awarding contract to **ELECTRIC MOTORS, INC** for Electric Motor Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,850,195.00 - General and Enterprise Funds – was presented. All

voting aye. Nays none. ORDINANCE 2001-0740 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PROPERTY

2. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Steve Hager of EMC Services, Inc, on behalf of Cal-Tex Citrus Juice, Inc (Gordon VanLiew, president) for encroachment agreement for a ±0.65-foot building encroachment into Yale Street, adjacent to Lots 13 through 18, Block 300, Houston Heights, John Austin Survey, Abstract 1, Parcel ENY1-06 - **DISTRICT H- VASQUEZ** – was presented, and tagged by Council Member Vasquez.

4. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel CY0-1, located in the 7700 block of Sam Houston Parkway, owned by Trafalgar Land Limited, a Texas limited partnership [Trafalgar G. P., Inc (Francis Yang, president), general partner], for the **ROARK #2 LIFT STATION PROJECT**, CIP R-0267-05-2 - \$34,850.00 Enterprise Fund - **DISTRICT F - ELLIS** – was presented, moved by Council Member Boney, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2001-0900 ADOPTED.

PURCHASING AND TABULATION OF BIDS

8. **OUTDOOR OUTFITS** for Helicopter Flight Suits for Police Department - \$116,840.00 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0901 ADOPTED.

10. **ELECTRIC MOTORS, INC** for Emergency Repair of Five Electric Well Motors for Department of Public Works & Engineering - \$22,613.87 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0902 ADOPTED.

12. **GROVES INDUSTRIAL SUPPLY** for Tools, Lawn, Garden and Striking for Various Departments \$290,400.00 - General and Enterprise Funds – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. MOTION 2001-0903 ADOPTED.

RESOLUTIONS AND ORDINANCES

15. ORDINANCE amending **SUBSECTIONS (a) and (b) of SECTION 18-33, CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solicitation of Campaign Contributions; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2001-0742 ADOPTED.

Council Member Quan asked if the Legal Department could provide notice to the members effected on the boards so that in the future they would know the restriction of being involved in the solicitation of funds, and Mayor Brown asked Mr. Bibler to carry out that request.

Council Member Boney asked if the ordinance they just passed did not prohibit an individual on any of the boards from making a personal individual contribution, what it prohibited was their

soliciting or being listed as endorsers or sponsors of fund raising events, that if there was a letter sent out asking people to come to a fundraiser and they were listed as sponsors of would that be prohibited, and Mr. Hall stated that in his judgment the answer was yes.

16. ORDINANCE amending **SECTION 18-38, CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Coordinated Campaign Expenditures; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented, and tagged by Council Members Robinson, Tatro and Parker.

Council Member Robinson stated that the reason he had tagged the item was because he had not had a chance to discuss it with the Legal Department or the chairman, but what he was interested in finding out was when they screen with most of the organizations that they screen with as candidates, they tell the candidates if they are going to endorse them they were going to send out a mail piece with their name on it that they had endorsed the candidate for a particular position and he wanted to know if that was a coordinated campaign expenditure on their part, whether it be the AFLCIO, Harris County Republicans, Harris County Tejano Democrats or the Baptist Ministers Alliance, and asked if as it read if they spend money raised outside the limits on the face of the ordinance, the \$5,000 and \$10,000 chunks, did it mean that it was not a coordinated campaign expenditure because they did not raise it consistent with Section A of the ordinance, that the section said that a coordinated campaign expenditure shall be considered a contribution subject to the limit set forth in Subsection A, so if they raised it in larger chunks, \$5,000 from an individual and \$10,000 from a PAC, did that mean it fell outside the limitations of coordinated campaign; that the other question was, they had a specific section in the ordinances that allowed a person, who had raised money for another office, to file a written statement with the City Secretary and transfer that money over to a City race and did it mean that this ordinance now prohibit that. Council Member Boney absent.

Council Member Parker stated that she too had some questions on this although she did work on it in the Ethics Committee and was generally supportive, that she had distributed a proposed amendment to the item, that it was her intent to also tag the item and requested that the Council Members who tagged the item lift their tag and allow her to present her amendment which was agreed. Council Member Boney absent.

Council Member Parker offered the following amendment to Item No. 16: Council Member Boney absent.

Amendment to revisions to Sec. 18-38, Code of Ordinances:
Add as last sentence to new Section 18-38(c) proposed by Council Committee on Ethics:
"This subsection shall not apply to any expenditure required to be reported under any other campaign finance law or regulation".

Council Member Robinson tagged the amendment to Item No. 16. Council Member Boney absent.

Mayor Brown stated that Council Members Robinson, Tatro and Parker tagged the main item.

Council Member Bell stated that he appreciated the item being tagged because he thought another week of dialog on this particular item would be helpful and hopefully he would have a chance to meet with the Council Members who did have questions, that Council Member Robinson did raise some important points, that soft money had become the popular term for these types of expenditures, but if he looked at the ordinance what they were talking about was

third party expenditures, that in a situation where a political action committee that was allowed under their statute to contribute up to \$10,000 to a candidate that was a direct contribution and was clearly not soft money, but if that political action committee were then to decide that they wanted to mount an outside offer, not a direct contribution to the candidate's campaign account, on his behalf and coordinated with the candidate in the planning and he had knowledge of that it could be considered a coordinated effort, and what they were saying in the ordinance was if the candidate was going to engage in that type of coordinated campaign expenditure was that he was going to be subject to the same limits that candidates were limited to and not be able to go outside those limits, that he knew the Legal Department had put out a memo on this subject and he was going to pass out a news release that came out this summer regarding a recent court decision on the matter and where he thought they were in the right on this was that they were dealing with coordinated expenditures. Council Members Goldberg, Vasquez and Castillo absent.

Upon questions by Council Member Sanchez, Mr. Hall stated that Council Member Bell had correctly characterized, at least their analysis, of the issue, that if it was an independent expenditure it obviously raised greater issues of the First Amendment, that it turned on the very difficult question of whether or not it was a coordinated expenditure. Council Members Vasquez, Castillo and Parker absent.

Council Member Tatro stated that some of his concerns were coordinated versus uncoordinated and did not know that they could define that. Council Members Keller, Castillo and Parker absent.

Council Member Boney stated that he was in complete support of this initiative, that in fact he had urged Council Member Bell to bring this to Council as soon as possible, so they were in principal agreement that this needed to be addressed and needed to be addressed hopefully in time to have appropriate impact on the election this year, that at the same time he was not clear that they had written it well and had addressed some of the questions raised by the Legal Department because he wanted to be absolutely clear where the line was and how they were going to enforce it, that he did not have any quick answers on how to do it so he was going to tag the amendment as well, that he was interested in full disclosure and would not have any problem eliminating soft money. Council Members Ellis, Keller and Quan absent.

Mayor Brown stated that Council Member Boney tagged the amendment. Council Members Ellis, Keller and Quan absent.

After further discussion by Council, Council Member Vasquez moved to proceed with the agenda, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-0904 ADOPTED.

17. ORDINANCE modifying criteria for use of Compensatory Time for extraordinary work efforts during Tropical Depression Allison for certain exempt City employees – was presented. All voting aye. Nays none. ORDINANCE 2001-0743 ADOPTED.
18. ORDINANCE issuing a permit to **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY**, a venue district organized and existing under Chapter 335, Texas Local Government Code for building, constructing, maintaining, using, occupying, operating and repairing certain subsurface vault space and structural tie-backs to occupy the vault space, abutting Blocks 289, 290, 311 and 312, S.S.B.B., and within portions of Bell Avenue, Jackson Street, Polk Avenue and LaBranch 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, and tagged by Council Member Robinson.

19. ORDINANCE issuing a permit to **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY**, a venue district organized and existing under Chapter 335, Texas Local Government Code for building, constructing, maintaining, using, occupying, operating and repairing certain subsurface vault space for a truck tunnel abutting Blocks 312 and 329, S.S.B.B., and within the 1500 blocks of Bell and Leeland Avenues, and a pedestrian walkway abutting Blocks 311 and 328, S.S.B.B., and within and over the 1600 block of Bell Avenue; such areas 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, and tagged by Council Members Robinson and Vasquez.
20. ORDINANCE approving and authorizing contract between the City of Houston and **RIVERSIDE GENERAL HOSPITAL, INC**, providing up to \$815,220.00 in Housing Opportunities for Persons With AIDS (“HOPWA”) Funds for Administrative Assistance, Operational Support, Supportive Services and the Rehabilitation of the Edith Irby Jones Health Care Center - **DISTRICT I – CASTILLO** – was presented, and tagged by Council Member Parker and Goldberg.

Council Member Castillo stated that he intended to vote for the item, but wanted to know perhaps a little more information about how referrals would be received and whether there was any term of residency or whether it was just an undetermined stay and those kind of questions, and Mayor Brown stated that he would get someone to visit with him. Council Member Vasquez absent.

21. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC**, providing up to \$707,800.00 in Housing Opportunities for Persons With AIDS (“HOPWA”) Funds for Administrative, Supportive Services and a Short-term Rent, Mortgage and Utility Assistance Project, which sum includes a limitation of additional funding in the amount of \$353,900.00 **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2001-0744 ADOPTED.
26. ORDINANCE awarding contract to **THREE 5 SEVEN, INC** for Fuel Systems Tank Testing Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$380,468.75 - General, Enterprise and Fleet Management Funds – was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2001-0745 ADOPTED.
28. ORDINANCE approving and authorizing agreement between the City of Houston and **BANK OF AMERICA, N.A.**, for Automated Teller Machine Concession for the Houston Airport System Revenue - **DISTRICTS B - GALLOWAY and E - TODD** – was presented. All voting aye. Nays none. ORDINANCE 2001-0746 ADOPTED.
29. ORDINANCE appropriating \$75,000.00 out of Airports Improvements Fund and approving and authorizing contract between the City of Houston and **C3S, INC** for professional engineering services for Miscellaneous Projects at George Bush Intercontinental Airport/Houston, William P. Hobby Airport, and Ellington Field (Project No. 409K), CIP A-0138 - **DISTRICTS B - GALLOWAY and E - TODD** – was presented. All voting aye. Nays none. ORDINANCE 2001-0747 ADOPTED.
30. ORDINANCE appropriating \$50,156,700.00 out of Airport System Consolidated 2001 AMT

Construction Fund, CIP A-0354, and \$812,724.00 out of Airports Improvement Fund, CIP A-0422; awarding construction contract to **DAIMLERCHRYSLER RAIL SYSTEMS (NORTH AMERICA) INC** for the Fabrication and Installation of Phase 2 of the Automated People Mover at George Bush Intercontinental Airport/Houston (Project 536D); providing funding for the Civic Art Financed by the Airports Improvement Fund - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Keller.

31. ORDINANCE appropriating \$16,255.00 out of Street & Bridge Consolidated Construction Fund and \$39,797.79 out of Water & Sewer System Consolidated Construction Fund as a Reimbursement for the Reconstruction of Wheeler Street from Calhoun Road to SH 35, CIP R-0018-17-3 and S-0521-E1-3, under an advance funding agreement with TxDOT (approved by Ordinance No. 96-490) - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0748 ADOPTED.
32. ORDINANCE approving and authorizing second amendment to Transportation Improvement Agreement between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY (METRO)** for Transit/Neighborhood Streets Reconditioning and Resurfacing Program - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. ORDINANCE 2001-0749 ADOPTED.
33. ORDINANCE appropriating \$1,328,700.00 out of Park Capital Project Fund 465, awarding construction contract to **CARRERA CONSTRUCTION, INC** and approving and authorizing professional services contract for engineering testing services with **LAW ENGINEERING & ENVIRONMENTAL, INC** for Maintenance Facility - Memorial Park Golf Course, F-0464-01-3; providing funding for contingencies relating to construction of facilities financed by the Park Capital Project Fund - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2001-0750 ADOPTED.
34. ORDINANCE No. 2001-720, passed first reading August 1, 2001
ORDINANCE granting authority to **NSPOF COMMUNICATIONS, INC** a Texas Corporation, to encroach upon and use the public right-of-way of the City of Houston, Texas; pursuant to Article XIV, Chapter 40, Code of Ordinances, Houston, Texas, for the purpose of laying, construction, 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 - **SECOND READING** – was presented. PASSED SECOND READING IN FULL.

MATTERS HELD - NUMBERS 35 through 39A

36. ORDINANCE amending **SECTION 46-31 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to increasing taxicab rates; containing other provisions relating to the foregoing subject; containing a savings clause; providing for severability – **(This was Item 19 on Agenda of August 1, 2001, TAGGED BY COUNCIL MEMBER BONEY)** – was presented. All voting aye. Nays none. ORDINANCE 2001-0751 ADOPTED.
38. ORDINANCE approving and authorizing legal services contract between the City of Houston and **STRASBURGER & PRICE, L.L.P.** for Lawsuit entitled Paul Kubosh, et al v. City of Houston, et al., Cause No. 98-16236; in the 113th Judicial District Court of Harris County, Texas \$50,000.00 Property & Casualty Fund – **(This was Item 28 on Agenda of August 1, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All

voting aye. Nays none. ORDINANCE 2001-0752 ADOPTED.

39. Written Motion by Council Member Tatro to amend Item 39A below to delete Section 47-246. Incentive Program - **TAGGED BY COUNCIL MEMBER GALLOWAY** – was presented, and tagged by Council Member Vasquez.

39a. ORDINANCE amending **CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Water Emergencies; containing findings and other provisions relating to the foregoing subject; providing for severability and declaring an emergency – (**This was Item 38A on Agenda of August 1, 2001, POSTPONED BY MOTION #2001-871**) – was presented.

Council Member Tatro moved to postpone Item No. 39a one week, seconded by Council Member Quan.

A roll call vote was called on Council Member Tatro's motion to postpone Item No. 39a for one week.

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 voting aye | Council Member Quan voting aye |
| 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 2001-0905 FAILED |

A vote was called on Item No. 39a. All voting aye. Nays none. ORDINANCE 2001-0753 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Tatro stated that he had a couple of email communications to Mr. Buchanan in the Solid Waste Department and had not gotten responses back, that he understood that south of Buffalo Bayou the heavy trash for the storm pickup had ceased, that he would like to know if they were continuing to pickup storm related debris on an as needed basis, were they continuing to do it with City crews or with private sector crews, that he had not gotten that information back from Solid Waste, that he was in Timbergrove last night and they still had some homes that had storm debris which they were just now putting out because of insurance timetables and the need for the residents to keep their damaged belongings until insurance claims were settled, that some people in Inwood mentioned last week that only now were they able to put that storm debris out by the curb and if their regular heavy trash schedule was not for three more weeks they were going to have it sitting out, so he wanted to know if they were going to continue to pick it up, that the time delays were what was important to those people in order to allow them to have their insurance issues to be resolved, that they needed to continue the effort outside of the regular heavy trash pickup and would like to get an update on the status of that. Council Members Galloway and Goldberg absent.

Council Member Tatro stated that they were told from constituents that their grass clippings were not being picked up for two weeks, that they were never notified that the service had been discontinued and when they called Solid Waste they were told that they had pulled the grass clippings trucks off the street to handle storm debris, that he would appreciate that if they were going to change a basic City service that they at least let Council Members know so they could have those responses,

that many times the first place people called was their Council Member. Council Member Galloway and Goldberg absent.

Council Member Tatro stated that as to the Fast Track Buyout Program residents have to first get their certificate of substantial damage, fill out the data collection form, turn it into Harris County Flood Control along with the letter of substantial damage, and they recommended they submit both of those documents, and then back to the City, but the City had a part that was intrigal to the whole process and that was the RSDE Form (Residential Substantial Damage Estimator Form), that was the estimated appraisal value of their home and the form that FEMA was going to utilize, that was probably one of the most crucial pieces of data and a lot of home owners were asking them, and they were tracking four individual residents, because of the cutoff and deadline for the first Fast Track issue they wanted to know where was their RSDE form, that he had made several calls and understood that the computer system was down and he could not even get that information himself, that his suggestion was to put it on the City's website, that if they could simply list, in some very rapid form, the homes that the City had a filled out RSDE form for, that he understood the City was not going to be mailing out these forms until after they made their submission to Harris County which could probably be about four or five days, that he needed the information available not only to him, but available to the constituent as well, that he would appreciate if they would get an appraisal daily. Council Member Galloway, Goldberg, Todd, Castillo and Robinson absent.

Mayor Brown stated that on the debris issue they had asked the residents that if the debris was the result of a contractor doing work on the house then the contractor was responsible for picking up, but if it was storm related then the City would pick it up and just to let Mr. Buchanan know; that on the grass issue they did issue a request to all the residents not to put their grass out because of the storm, in fact he announced it himself and knew that they did make those statements; that as to the buyout he would have Mr. Haines work with him on that, that he did give out a phone number and anyone could call, 713-837-0600 and they could help anyone on that issue. Council Member Galloway, Goldberg, Todd, Castillo and Robinson absent.

Council Member Vasquez stated that they would be having the grand opening of the Nieto Water Park out in Denver Harbor at Nieto Park, that it had been a long time coming for the community and was a big celebration, that it would add a lot to the quality of life in that area, that he wanted to invite all of the Council Members to stop buy on Saturday, August 11, 2001, 11:00 a.m. to 2:00 p.m., that he wanted to thank the Mayor for his support of the project and for the project time on it. Council Member Galloway, Goldberg, Todd, Castillo and Robinson absent.

Council Member Vasquez stated that on Saturday, August 18, 2001 his office in conjunction with El Dia, La Subasta, Northline Mall, The Chronicle, Houston Community College, MALDEF, Channel 45 and K-LOVE were sponsoring an education workshop targeted at the Spanish speaking population, that it was a back to school fair and there would be free immunizations and free information and services, that the consulates had also agreed to provide information to their constituents, but the most important thing was not just providing free information and services, they were also going to provide parent leadership workshops in order to help parents understand how the educational system works, that they were going to be providing 15 different workshops that would run on the hour for four hours, things like, how to properly discipline their children, the importance of values in education, the rights of immigrant children, how parents could be students also, the importance of voting and information on computing also, that the media involved were donating their time and their promotion of this effort, that they were covering about 90% of the Spanish speaking market so they expected a healthy turnout. Council Member Galloway, Goldberg, Todd, Castillo and Robinson absent.

Council Member Vasquez stated that he wanted to encourage Mayor Brown to do what was necessary to do the research to bring back the Resign to Run Ordinance, that he respected his prerogative and understood that was his decision and offered his assistance in whatever he decided

on that. Tatro, Council Member Galloway, Goldberg, Castillo and Robinson absent.

Council Member Sanchez stated that he wanted to visit with anyone that the Mayor deemed responsible for the reconstruction of the right of ways, the ordinance that they passed, that he was concerned of how it was working, that he knew that there were a number of streets where utilities go in and there would be weeks where they were not on site working and they had blocked the intersections, that the street lights were changed to blinking and one lane was tied up for several weeks and they were not moving along, that he wanted to know what they were doing to expedite that, and Mayor Brown stated that he would have someone visit with him. Council Member Tatro, Galloway, Goldberg, Todd, Vasquez, Castillo and Robinson absent.

Council Member Sanchez stated that he would like to visit with the Parks director on this, that Saturday morning he was at Memorial Park doing his usual run and noticed that there were two fire department units, one pumper truck and an ambulance, and they seemed to be just driving around and what had happened a gentlemen had coded and apparently had no vital signs, because once the unit got there they were doing CPR, but part of the difficulty was that number one there was a tremendous shortage of telephones in the park so if someone experienced a cardiac arrest, and typically runners or cyclists do not carry cell phones, they would be hard pressed to get help, and number two, Memorial Park was so large that when most people request an ambulance to Memorial Park the units have to drive around wondering where in Memorial Park they were located, that it seemed to him that they needed to have telephones to access, that there were some critical health issues there and would like to make some suggestions, and Mayor Brown stated that he would have Mr. Spellman meet with him, that they were very legitimate issues that should be addressed. Council Member Tatro, Galloway, Todd, Vasquez, Castillo and Robinson absent.

Council Member Quan stated that they would have their second meeting of the Ad Hoc Committee on the flood related damages of the downtown buildings and parking garages tomorrow at 2:00 p.m. and anyone interested in attending that was welcome. Council Member Tatro, Galloway, Todd, Vasquez, Castillo and Robinson absent.

Council Member Quan stated that he wanted to bring to the Mayor's attention an incident that his office had been trying to work with Building Services and the Legal Department on concerning a contract that 3DI had for the restoration of City Hall and 611 Walker, that work was done 3 to 4 years ago and had still not been resolved as far as payment went, that he wanted to bring it to the administrations attention so that somebody could look into that, and Mayor Brown stated that he had asked Mr. Hall to address that as recent as yesterday so they were working on that. Council Member Tatro, Galloway, Todd, Vasquez, Castillo and Robinson absent.

Council Member Quan stated that he wanted to thank those who participated in the Rock the Vote Campaign they had on Saturday, that MTV, Time Warner and Destiny's Child, that over 500 young people were able to go to the Destiny's Child concert but also over 700 people came to see about ending discrimination in Houston and also getting involved in the political process. Council Member Tatro, Galloway, Todd, Vasquez, Castillo and Robinson absent.

There being no further business before Council, the City Council adjourned at 11:52 a.m. upon MOTION by Council Member Quan, seconded by Council Member Keller. All voting aye. Nays none. Council Member Tatro, Galloway, Todd, Vasquez, Castillo and Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary