

City Council Chamber, City Hall, Tuesday, August 14, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 14, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez and Chris Bell; Mr. Paul Bibler, Assistant City Attorney; Mr. Richard Cantu, Director, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Members Jew Don Boney, Jr. and Carroll Robinson absent on city business.

At 2:01 p.m. Mayor Brown convened the meeting of the City Council and stated there were several Council presentations and would start with Council Member Todd.

Council Member Todd stated that they were very pleased to have the Clear Lake Angels in the audience and some of their parents and their coaches. Mayor Brown read a proclamation that stated that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed Tuesday, August 14, 2001 as Clear Lake Angles Day in Houston, Texas and Council Member Todd invited the little league team to the podium to receive individual certificates from Mayor Brown. Council Members Tatro, Galloway, Keller, Castillo, Parker, Quan and Bell absent. (NO QUORUM PRESENT)

Mayor Brown stated that he wanted to take a few moments to recognize some outstanding achievements of Mr. Michael Lionetti; that the Boy Scouts of America had awarded Michael the 2001 Silver Medal William T. Hornidale Award for Distinguished Service in the National Resource Conservation, that this was a national award presented to less than 10 scouts throughout the United States annually and the first presented to a Houstonian in the last 10 years, and presented Mr. Lionetti with a proclamation that stated that Lee P. Brown, Mayor of the City of Houston hereby proclaimed, Tuesday, August 14, 2001, as Michael Anthony Lionetti Day in Houston, Texas. Council Member Galloway absent.

At 2:14 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Goldberg invited Sheik Mamdouh, Islamic Society of Greater Houston to lead everyone in prayer and Council Member Goldberg led everyone in the pledge of allegiance. Council Member Galloway absent.

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

Council Members Keller and Vasquez moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Boney and Robinson absent on city business. Council Member Galloway absent.

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

Mr. Rufus Brown, 906 Marcolin, Houston, Texas 77088 (281-260-9402) appeared and stated that he was present representing a concerned citizen's association, that they rejoiced when Mayor Lee Brown was elected the first Black Mayor of Houston and also rejoiced when Council Member Jew Don Boney was elected, that he guessed that Black people thought that Black people would do a better job and have a better community, that they thought that these guys would show the world what they could do as elected officials who said they were for everyone, that was Mayor Lee Brown's campaign slogan, that the way it looked to them was that Mayor Brown had exemplified outstanding leadership that has made him a rising political star, that Council Member Boney had disappointed his grassroots supporters by word on the streets,

that he wanted to thank Carol for doing such a fine job because she did answer the telephone, that one of the main reasons he was present was because of some things going on in their community with the police department taking over Lincoln City Park, that they went out there and ran all the kids out of the park with the zero tolerance, that for some reason they could not get the protection in the African American community that they needed as far as the patrols and had been preaching this for years, that they needed active patrols, that now they were coming down on the kids, that they were just trying to get 24 hour security like the subdivisions that paid extra, that he asked a captain why they could not get one officer out there in the streets for 24 hours, that between the County and City and the Constable why could they not dedicate one officer to ride around in the subdivisions, that he did not think that was good because all the drug dealers in the corner would know where they were. Council Members Castillo absent.

Mayor Brown stated that Mr. Brown must be from Acres Homes because he mentioned Lincoln Park, that he knew they were in the process of revitalizing that park out there with funds from the City of Houston as well as the County, that Mr. El Franco Lee was adding to it, but in terms of his desire for police protection, Assistant Chief Stewart was in the Council Chambers and would meet with him to see what could be done to take care of his concerns, that he was present with a request and they would see what they could do to honor his request. Council Members Castillo absent.

Upon questions by Council Member Galloway, Mr. Brown stated that about a month ago they had only 20 officers at the park with 400 to 500 kids, that they did not have enough patrols like other subdivisions, that Lincoln City was not getting any protection and the only time they saw officers out there it was one of the task forces that jumped on their boys and let all the stuff build up, and Council Member Galloway stated that she would check it out and check with the civic club president, that they had a super neighborhood council in that area and they did meet and discuss issues in the community. Council Member Castillo absent.

Mr. Mark Moseley, 1741 Gardenia Dr., Houston, Texas 77018 (713-681-9437) appeared and stated that he lived in northwest Houston on Rosslyn and Gardenia Drive and Rosslyn Road was about three or four feet higher than Gardenia and when they had flash floods many times he and his wife had to park a block away and wade in, that when school was going on it was so congested with people turning into Stevens Elementary on Lamonte and Rosslyn that it backed up the traffic three or four blocks, that he knew that at one time they were going to widen Rosslyn, about five or ten years ago, and they had surveyors out there and surveyed it and they got a petition out and stopped it, that a while back some more people came to him with a petition to stop the widening of Rosslyn Road, that there was a strip along Rosslyn Road about 100 feet by 30 feet and he had been mowing it for 37 years and he was 70 years old now and it was getting to be too much for him to do his yard and the City's property too because he tried to keep it up to make his property look nice, that he was wondering if the City had any intention of widening Rosslyn Road, that it was between Judiway and 43rd where it needed to be widened. Council Member Castillo absent.

Council Member Tatro stated that he wanted to clarify that the petition they had brought was for the northern side, the extension of Pinemont, but he would agree with Mr. Moseley that from 43rd south to Judiway the only way to solve that drainage problem was to reconstruct Rosslyn Road and drop it down to where it needed to be and then put in the underground culverts, and asked if Mr. Moseley if he would be in favor of converting Rosslyn Road to concrete, dropping it down and putting in the culverts to better handle the rain water, and Mr. Moseley stated that he would rather they have four lanes, and Council Member Tatro stated that they would check and see what the right of way was, that he was glad that Mr. Moseley had brought it up because this had been one of the first times they had someone talk about that section and the need for improvement. Council Members Todd, Castillo and Sanchez absent.

Mayor Brown stated that Mr. Gary Norman, Public Works, would meet with him and see what they could do to be helpful. Council Members Todd, Castillo and Sanchez absent.

Ms. Zandria Harrold, 4331 Oxford, Houston, Texas 77022 (713-692-2431) had reserved time to speak, but was not present when her name was called. Council Members Todd, Castillo and Sanchez absent.

Ms. Bernice Hill, 4919 Denoron, Houston, Texas 77048 (713-738-8043) appeared and stated that she was present to talk about the Crestmont Plaza area, that she lived on Denoron and was in the subdivision coming off of Cullen, Selinsky, Roandale and that area, that they were having a problem with their driveways, their houses shifting and their yards, that they also had a problem with the storm drainage pipe going through the yard at 4915 to Dumore Street, that she was at 4919 and her house was shifting toward 4915 which was going west and east towards each other, that she did not know what the problem was, that they had the storm sewage come out and check out the problem they had, that also they had a storm drain clean out the hole that was in her backyard and had been put there since she came there, that she came there in 1992 hoping to have a retirement home and was having all of these problems and had not even paid off her home, that they did have some residents that had been there longer than that and they were having some problems too so they really needed the City's help in trying to get this solved, that right where the storm sewage was the street was sinking, that they came out and put black topping on it right where the storm sewage pipe goes in from the street and that was cracking so they put some cement on the front of it, that they had a problem and needed some help, that they knew they moved the water line from the north side of the street to the south side of that area and those yards were really beautiful and their driveways were beautiful and the homes looked good, but on their side of the street they were having a big problem with their driveways and yards sinking, that she was having sinking going on all around the clean out hole that they could look from the street and could see that the top of that hole needed to be fixed, that their proposal was to get someone to get their foundations, yards and driveways to get that done. Council Members Todd, Castillo and Sanchez absent.

Mayor Brown asked if they had representatives from Public Works out there on at least three occasion's, and Ms. Hill stated yes, and Mayor Brown stated that Public Works was saying that it was not related to the drainage of the sewage lines and asked what seemed to be the problem, and Ms. Hill stated that it seemed to be utility and she still thought it was the storm sewage, that they were telling them to go under but they were going from the top and letting the dye come in from the top, that there was a big hole in the yard of 4915 where they were putting the dye and running the water, that they knew the utility department was concerned with the yards, driveways and walkways but there was a problem, that there were other people in the audience who had come to voice their opinion or just to show the Council that they needed some help, and Mayor Brown asked those who were present on the same subject to stand up so the Council could see how many people had come on the problem. Council Members Todd, Castillo and Sanchez absent.

Mayor Brown stated that when they had all finished speaking he was going to ask the representative from Public Works to meet with the group and see if they could find out what the problem was and he was going to ask the department to find out what the problem was, that Mr. Norman would meet with them to figure out what the problem was and what needed to be done. Council Members Todd, Castillo and Sanchez absent.

Mr. Melvin Reed, 4923 Denoron, Houston, Texas 77048 (713-738-0799) appeared and stated that he resided in the same neighborhood as Ms. Hill and had been there since January 1966 and during that time he had watched the water main constantly break and could not tell

them how many times but was sure that the Department of Public Works would have a repair record, that if they stood and looked east and looked at the driveways and yards on the right side of the street and at those on the left all of the ones on the left were broken or sunk in and thought the residents had them repaired at their expense, the rest of them all of the cement was broken and the street in front of Ms. Hill's house had sunken in, that they had put asphalt over there and since then with the heavy garbage trucks going up and down the street the asphalt had fallen in some more, that he would like to think the Public Works Department could somehow repair the driveways so both sides of the street could be the same. Council Member Castillo absent.

Mayor Brown stated that they were going to follow up and find out what the nature of problem was and what the cause of the problem was, that obviously there was a problem, so they could figure out what needed to be done to correct it, that as he had mentioned to the first speaker as soon as all the speakers on the subject finished he was going to ask the Public Works representative to meet with them and get all the details and have him go back to the Public Works Director to have him send the appropriate people out there and report back to him as to what needed to be done to correct the problem. Council Member Castillo absent.

Ms. Bessie McGee, 4927 Denoron, Houston, Texas 77048 (713-738-9167) appeared and stated that she was present to discuss the ongoing problem they were having in the Crestmont subdivision, that she was one of the first ones to move into the subdivision, that she had been there about 35 years, that during that period of time she had encountered so much water breakage in her yard and they had dug up her yards four times in the period of time she had lived there, that they had dug up her driveway, over half of her yard including her driveway into her neighbor's yard, that there was a hole about six feet deep and they put posts there and she had to make many phone calls to City Hall and the water department to come out and see what they could do about filling the hole in, that she had to park in the street because she could not get into her driveway, that she had constantly reported that and it should be noted somewhere, that she even threatened to sue the City because of the ongoing problem that she had, that their yards and driveways were sinking, that a Channel 11 newsman approached her about it not too long ago and she told him about the ongoing problem and they were trying to meet with the City of Houston and see what could be done about the increasing problem, that five years ago she had to have her roof redone and found out that the beams were coming apart and she had to pay for it out of her pocket, that in the back of her yard the ground was cracking and splitting and she had to have dirt hauled in to fill it in because the City of Houston did not pack in the dirt in her front yard, that she was asking the Mayor and the City Council to help them solve the increasing problem they were having in the Cresmont subdivision.

Mayor Brown stated that they would have someone could out there to find out what the problem was so they could determine what needed to be done to solve it.

Ms. Annie Jackson, 4915 Denoron, Houston, Texas 77048 (713-734-4936) appeared and stated that she had lived at 4915 since December 13, 1966, that she and her husband had put sawdust and topsoil and sand and her yard was now high, but she was the one who had the hole on the side where the drain was going across her yard to the back street, that a man from the City had come out and said that there was a leakage at the bottom of the pipe, that it was black dirt under there and once it was dry it would seal and the camera would not pick it up, that one drain at the end of the street was the only drain that was draining the water off of the street so that was the only loss of water and that took the topsoil and the sand away, that she and her husband had put lumber underneath and yet the house was coming apart, that her house was splitting down the middle, that it was going towards Ms. Hill's house and Ms. Hill's house was coming towards hers, and the only thing there was that drain, that she had asked them to check it out, that they would appreciate all that they could do for them.

Mayor Brown stated that they would work with her on it and see what needed to be done.

Ms. Lillye Seasar, 4907 Denoron, Houston, Texas 77048 (713-734-0556) appeared and stated that she had been at her home for 35 years, that she was a single retired person and thought that after she dedicated her life to working she could come home and rest after paying for her home, but it did not work that way, that she had encountered a number of problems in her yard, foundation and the house, that she had a number of pictures to show the Mayor and Council so they could look at them and think how they would feel if that was their home, that her slab was uneven and cracking and her house was going in every way that gravity would pull it, that they would see that her front yard had grass around it and the center was empty, that the grass was not replaced after the many times they came to dig up her yard, that they would throw the dirt back in and leave it there, that her driveway was an ideal place for the skaters because they could go up and down and over and around, that her windows and doors did not close, that when it rained water came up to her front door, that her roof was slanted and the roofer said that there was no sense trying to put another roof on her house because they would have to replace all the boards up there and the structure, that as she said she was on a fixed income, that she asked that they sympathize and look through her eyes.

Mayor Brown stated that all who came to address the subject should meet with Mr. Gary Norman, Public Works, and they were going to send someone out in the afternoon to take a look at it and find out what needed to be done, that they would work with them on getting the problem address.

Ms. Mary Taylor, 1403 Fashion Hill, Houston, Texas 77088 (281-445-0682) had reserved time to speak, but was not present when her name was called.

Mr. Mark Smith, P.O. Box 896, Bellaire, Texas 77402 appeared and stated that he had lived in Houston about 35 years and was currently a disabled diabetic, that on Saturday night he visited a friend who lived in Irvington Village Apartments at Booth and the 2800 block of Fulton, that he went out to try to catch a bus and went to the Church's right across the street from the bus stop and after that went to the store to get something to drink, that he then went out to the bus stop and a short time after the bus was supposed to come by a couple of people came and sat down and he had a bad feeling about them and one of the two people told him to drop whatever change he had and told him that he had a gun and would not mind putting a bullet into him if he had to, that he pulled out his wallet and gave the person his money, that he was terrorized and the Houston Police did not show up, that he was scarred about being in the neighborhood and he left and called from downtown and made a report, that he did not know why the police did not show up, that he wanted this investigated and the people prosecuted. Council Members Tatro, Galloway and Quan absent.

Mayor Brown asked if he had filed a police report and Mr. Smith stated yes, and Mayor Brown stated that Assistant Chief Stewart was in the audience and would meet with him and follow up and provide answers to the questions posed to the City Council. Council Members Tatro, Galloway and Quan absent.

Mr. Jimmy Randon, 4326 Phlox, Houston, Texas 77051 had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway and Quan absent.

Mr. John Ryan, 6110 Fairdale, Houston, Texas 77057 had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway and Quan absent.

Preacher Joe, 301 W. Parker, Houston, Texas 77076 (1-800-971-9185) appeared and

stated that the number one question was what would be the ripple affect be in reducing crime and crime expenditure in Houston, Texas in the USA by 25%, that they had the recipe and knew they could do it, that he represented over 50 million people right now and it was growing, that they tell them that if they reduced crime it would be a safer city, that there was a Ten Commandments Coalition, a Pledge of Allegiance Coalition and a National Association for Prayer and he had a packet for the Mayor which had the recipe on how to reduce crime. Preacher Joe continued to voice his personal opinions until his time expired. Council Members Tatro and Quan absent.

Mayor Brown asked Preacher Joe to leave the package with Mr. Cantu and if he would leave his address they would get it back to him. Council Members Tatro and Quan absent.

Mr. Michael Berger, 6530 Westview, Houston, Texas 77055 (713-686-7034) appeared and stated that he had been applying with the City of Houston to get a City job with Neighborhood Protection, that he was not qualified but now he had applied to be an inspector trainee with Planning and Development Code Enforcement Sign Administration Department to pickup signs and probably make reports, that he had been doing that on a volunteer basis, that he used a jeep and the people in Spring Branch were trying to pull for him and help him to get the City job, that he needed any help that the City Council could do to try to see if he could get the job, that he would appreciate it. Council Members Tatro, Castillo and Quan absent.

Mayor Brown asked if he had applied through the Human Resources Department and Mr. Berger stated yes, that he had an ongoing application with the Sign Administration, that he told them that he was doing it on a volunteer basis and was now being paid by the Super Neighborhood Spring Branch East. Council Members Tatro, Castillo and Quan absent.

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

The City Secretary stated that Ms. Zandria Harrold was a little late arriving and if it was okay she would go ahead and call her name. Council Members Tatro, Castillo and Quan absent.

Ms. Zandria Harrold, 4331 Oxford, Houston, Texas 77022 (713-692-2431) appeared and stated that she was the founder and director of a Children's Network and it was an organized group formed for the sole purpose of advocating drug awareness, AIDS prevention and education, that it was started on June 12, 1995 in Harlem, New York by her, that she began recruiting inner city youth kids from the streets by teaching them dance and songs, that her organization was now glued to the Independence Heights Community in Houston, Texas, that these performers had been featured in productions with Mr. Denzel Washington, Ms. Anita Baker, Ms. Patty Austin and many more, that their children were selected to appear on McDonald's Presents Apollo Kids next Sunday, August 26, 2001, in New York City, but it went much further than that, that they were very concerned about the AIDS and drug crisis in the City and wanted to know what was being done about it, that they were asking for their support and prayers as they traveled to spread the message of AIDS awareness and drug prevention abroad, and she had a package for Mayor Brown also. Council Members Tatro, Castillo and Quan absent.

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

Mr. Joseph Omuari, 15 Charleston Park No. 1107, Houston, Texas 77025 appeared and

stated that he was present again about the City ordinance for a small business grant, that he knew a new bond was about to happen and wanted to make sure and hoped that the Council would consider making special provisions for Black contractors to get some of the contracts that were going to be for the process of building the new basketball arena and all of the construction bidding that was going to be going on in the City. Council Members Castillo and Quan absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated www.galvan.org, that he found it very interesting that Council Member Goldberg had an Islamic Minister present, that he thought it made him look very good, that it was fantastic, that he wanted to get back to District H, that he was disappointed that they did not support Council Member Vasquez last week because he supported what he was doing, that there was a current HCC school board trustee who was also running for Houston City Council and he should resign that position if he wanted to run for City Council, that getting back to District H, he lived in District H and it seemed that Council Member Vasquez was supporting somebody else and Council Member Castillo was supporting somebody else and Council Member Parker seemed like she was supporting Carol Alvarado because she took somebody out of order last week so that made her like partial, that he thought that Council Member Castillo should be supporting Johnny Soto because Johnny Soto told him that he was going to run and that showed no loyalty whatsoever and he hated people who were not loyal, that he had seen Council Member Sanchez's stickers on Fulton and that was good. Council Members Castillo and Quan absent.

Council Member Parker stated that she was officially neutral in all City Council races other than her own and she had not endorsed anybody for any City Council office. Council Members Castillo and Quan absent.

At 3:05 p.m. upon motion by Council Member Vasquez and seconded by Council Member Tatro, City Council recessed until 9:00 a.m., Wednesday, August 15, 2001. Council Members Castillo and Quan absent.

City Council Chamber, City Hall, Wednesday, August 15, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, August 15, 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; 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 9:10 Mayor Brown reconvened the meeting of the City Council. Council Members Tatro, Galloway, Boney, Todd, Ellis, Keller, Vasquez, Castillo, Parker, Quan and Sanchez absent. (NO QUORUM PRESENT)

MAYOR'S REPORT

Mayor Brown stated that he wanted to use the Mayor's Report time to give a brief update on their efforts to deal with the aftermath of the storm, that as reported two weeks ago an extension was granted to extend the deadline for requests for federal individual assistance, that this extension granted those who needed additional time to apply for assistance the opportunity to do so, thus requests for federal assistance through the Small Business Administration, the State's Individual and Family Grant, Texas Workforce Commission Unemployment Assistance and FEMA's Disaster Housing Program would now be accepted through September 7, 2001, that

today he was likewise pleased to report that based upon his request to the State, the State had approved an extension for participants in the Fast Track Home Acquisition Program, that the new deadline was now August 22, 2001, that he would like to express his sincere appreciation to Mr. Tom Millwee, State Coordinator, Division of Emergency Management, for his consideration as well as Mr. Art Storey and his staff of Harris County for their continued cooperation and due diligence, that this additional time would be sufficient for Harris County Flood Control District to complete their applications, that the City was working as rapidly as possible to complete all necessary damage estimates, that to date the City had inspected in excess of 2,000 properties to access damages, that those determined to be substantially damaged will be submitted for inclusion in the Home Acquisition Program, that as of this morning approximately 800 had been submitted to Harris County, that in addition their emergency management staff had been working with all City departments to prepare the necessary documentation for FEMA and due to this effort he was happy to report that the City had received its first reimbursement of \$3.9 million, that on a related note the City's permitting office had issued 6,034 residential and 525 commercial flood permits, that using the Family Flood Fund, \$24,622 had been spent to provide additional assistance to homeowners purchasing permits in the issuance of 759 permits, that the City Flood Recovery Task Force had met with 16 community groups, working through the City's Super Neighborhoods and helping individuals get the assistance they need, that the buyout, permitting and housing assistance decisions were extremely difficult for those affected and each family situation was different, that this community based approach provided the necessary information as well as available options and resources, that as he said on more than one occasion recovery would be a long term process, but the opportunity was there not only to restore the neighborhoods, but to make them better and that was the challenge that they had confronting them as they moved forward. Council Member Vasquez absent.

Council Member Sanchez moved to suspend the rules to consider Item Numbers 43 and 43a out of order, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2001-0906 ADOPTED.

Council Member Goldberg moved to suspend the rules to consider Item No. 47 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2001-0907 ADOPTED.

Council Member Boney moved to suspend the rules to consider Item No. 46 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2001-0908 ADOPTED.

Council Member Robinson moved to suspend the rules to consider Item Numbers 16, 17, 18 and 19 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2001-0908A ADOPTED.

43. Written Motion by Council Member Parker to amend Item 43a below to add a new sentence to Section 18-38 (c) as follows: This subsection shall not apply to any expenditure required to be reported under any other campaign finance law or regulation - **TAGGED BY COUNCIL MEMBERS ROBINSON and BONEY** – was presented.

Council Member Parker moved to table Item No. 43, seconded by Council Member Boney. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2001-0909 ADOPTED.

43a. 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 – **(This was Item 16 on Agenda of August 8, 2001, TAGGED BY COUNCIL MEMBERS**

ROBINSON, TATRO and PARKER)

Council Member Bell stated that his amendment to Item 43a had been distributed to all Council Members, that in the amendment he sought to address the concerns that had been raised by various Council Members, that they could not set forth every instance that would lead to a finding of a coordinating campaign expenditure but they could outline in more detailed terms what the intent of the legislation was, that he thought overall this cleared up what they were attempting to do by the ordinance, and Council Member moved to amend Item No. 43a with the following motion. Council Members Goldberg and Vasquez absent.

Item # 43a referring to coordinated campaign expenditures, shall be amended with the following additional language:

“(c) A “coordinated campaign expenditure,” shall be considered a contribution subject to the limits set forth in subsection (a) and subject to the disclosure requirements for campaign contributions made to a candidate(s) for city office. As used in this subsection, the term “coordinated campaign expenditure” means a payment, other than a direct contribution, for an activity, service or product that contains express advocacy for the election or defeat of a clearly identified candidate(s) for city office and is made in cooperation, consultation, or concert, with or at the request or suggestion of, a candidate(s) for city office or a candidate’s representative, agent, or employee.”

Coordinated campaign expenditures shall include, but not be limited to the following:

1. Voter identification and/or get-out-the-vote activity on behalf of a specific candidate(s) for city office;
2. A public communication that refers to a clearly identified candidate(s) for city office and that promotes or supports a candidate(s) for that office, or attacks or opposes a candidate(s) for that office, or is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate(s);

If an individual or organization is engaging in express advocacy for the election or defeat of a clearly identified candidate(s) for city office, the following shall not be considered a coordinated campaign expenditure:

1. Direct monetary contributions made to a candidate for city office;
2. In kind contributions made to a candidate for city office;
3. Payments by an individual or organization for the individual’s or organization’s overhead expenses including but not limited to rent, utilities, taxes, office supplies or salaries;
4. Volunteer (unpaid) activity(ies) on the part of the individual or the members of the organization.

Council Member Robinson asked if for example they screened before the Baptist Ministers or the Tejano Democrats and they endorsed them and did a mail out would they report some portion of that as an in kind contribution or did it not qualify at all, and Mr. Hall stated that on the

facts that he had given he did not believe that would meet the coordinated test so he did not think that there would be any requirement that it would be covered under the provisions of this proposed ordinance or the amendment as it was written. Council Members Tatro, Goldberg and Vasquez absent.

Council Member Robinson stated that on Number 16 of the Secretary of State form, that they had to report now, it was a form that the Texas Ethics Commission produced with a specific reporting block for notification from a PAC that they had expended money on the candidates behalf and if they got notification they had to file and one of his questions was did it only apply to State office holders, that he couched it in the language of in kind contributions and the Legal Department sent him back a response that it did not exist but the contribution did and he was not sure if Question 16 applied to City elected officials or only State elected officials and if it did apply was the ordinance consistent with what ever pre-existing definitions or decisions or the like, and Mr. Hall stated that it was their view that these provisions in State law, that included the incorporation of the form, did apply to City candidates, that the provision was written rather strangely and said that if they knew they were to report it and if they did it then they obviously could not, that he clearly suggested that their ordinance could not take precedent over any mandate of State law, that they would have to follow State law, that he would get him an answer and the reason he suggested that was that the Ethics Commission had actually developed a whole body of opinions on the various issues related to campaigns and campaign finance law and it would probably be more responsible for him to check and see if they had opined on this issue and give him that response. Council Members Goldberg, Vasquez and Parker absent.

Council Member Robinson stated that his only issue was if they passed the ordinance today as amended by Council Member Bell and there was some inconsistency could they come back and straighten those inconsistencies, that he knew there was something out there and they just did not know what it meant right now and he would hope that they would find out what it meant before they went forward and be consistent with it, and Mayor Brown stated that if they found inconsistencies with what they had done they could certainly bring it back and would bring it back to correct the problem. Council Members Goldberg, Vasquez and Parker absent.

Council Member Boney asked if there was a violation of the 43a ethics matter that they were going to vote on today what would be the result, what would happen if this was deliberately violated, and Mr. Cheatham stated that the violation would be a Class C misdemeanor and would have to be prosecuted in Municipal Court, and Mr. Hall stated that it was important to know that what this proposed ordinance would do was make contributions that were coordinated subject to the caps that the City had adopted, which had nothing to do with State law, that it did not relieve anybody of any requirement of campaign finance reporting, that was a different issue and obviously they would have to comply with all of those issues, that the great importer of this proposals was to make those coordinated expenditures, those done in conjunction with a candidates election, subject to the caps that Council had adopted in earlier days. Council Members Goldberg, Vasquez and Castillo absent.

Council Member Castillo stated that in the body of the amendment it talked about the things that were not considered as a coordinated campaign expenditure, and his question was if this amendment would still be cumulative of all the other laws that applied to this area and would only work if it was not in conflict otherwise State law and the election code would control, and Mr. Hall stated that was correct, clear and without question that they could not contravene State law so whatever the conflict State law would prevail, and Council Member Castillo stated that the law right now as it stood did not permit union contributions unless they were PAC contributions and did not permit business corporation contributions, and Mr. Hall stated that it did not allow those contributions directly to a candidate that were subject to reporting by the candidate, that it allowed them indirectly and that was what soft money was, that was the whole point, they could

give money to committees, interest groups and associations, that this related only to candidates and not to issues so if there were an issue that was presented none of these provisions would apply, that the impact of this proposal was to make contributions that were coordinated by third parties and were coordinated with a candidates campaign subject to the \$5,000 and \$10,000 contribution limits they had, that it did not prohibit those expenditures if they were within those limits, that it did not exempt or include anything from reporting, that right now, if they gave the money to him, those contributions would be subject to the \$10,000 limit, that this reaches the question of whether they spend money in furtherance of his campaign and coordinate it with him, that if they do that then the import of this proposal was to make those expenditures cumulatively subject to the campaign caps for contributions. Council Members Ellis, Keller and Vasquez absent.

Council Member Sanchez asked if a candidate, who felt they were not Latino and not included in a voter drive being coordinated be able to file a complaint against those of them who met with that organization who were trying to increase a particular vote in the City of Houston, that it was a coordinated effort and they were spending a sizeable amount of money, how did they determine whether or not he and whoever else attended was in violation, in other words how would he handle that complaint after the passage of the ordinance, and Mr. Hall stated that first of all, if that organization or PAC or however they were formally organized spent money in a municipal campaign in Texas they would be required to report that, that they had to report their expenditures, that the fact that he met with them and they said they wanted to elect Hispanics and they were going to spend \$100,000 down here, none of that made it coordinated in his view, that they could spend a million dollars, and Council Member Sanchez stated that he provided them with lists, and Mr. Hall stated that probably raised the question of coordination, if they were going to mail to the list he provided it probably meant then it was a coordinated expenditure and would be subject to the \$5,000 and \$10,000 limit. Council Members Goldberg, Boney, Vasquez and Castillo absent.

Council Member Parker stated that she thought that Mr. Hall had been doing yeoman's work in explaining this and answered the issues she had wanted to raise and urged her colleagues to support the issue. Council Members Goldberg and Vasquez absent.

After further discussion by Council, Council Member Galloway moved to call the question, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2001-0910 ADOPTED.

Council Member Sanchez and Tatro tagged the motion to amendment to Item No. 43a.

After further discussion, Council Member Castillo moved to delay Item No. 43a one week, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2001-0911 ADOPTED.

Council Member Boney stated that he did not see the confusion, that what Council Member Bell's proposal did was to make illegal third party efforts on behalf of the candidate above \$10,000 illegal.

Council Member Keller moved to suspend the rules to consider Item Numbers 2, 48 and 48a out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Todd absent. MOTION 2001-0912 ADOPTED.

47. 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 – (This was Item 30 on Agenda of August 8, 2001, TAGGED BY COUNCIL MEMBER KELLER)** – was presented.

Council Member Keller moved to suspend the rules to hear from Mr. Eric Potts, Aviation Department, at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-0913 ADOPTED.

Upon questions by Council, Mr. Potts stated that this was a sole source bid and part of a system, that it was part of the initial agreement between Continental, the HAS and the City, that everything was baseline, and Mr. Haines stated that he was involved in the initial negotiations with Continental on the deal and the Phase I element was a competitively bid project and they recognized as they negotiated with Continental for the Phase II of the people mover that the system had to be consistent and integrated and under the high tech procurement that was then folded into it as they went forward; and Mr. Potts stated that the lengths of the cars were approximately the same, that the approximate cost of the car was about \$1.4 million, that he had no comparison of the other systems but if he could check and get back with them, that the piece of Phase I that was for the cars and the system was \$42.5 million, and Mr. Haines stated that the expenditure that Continental made that cost \$90 million included the rest of it, that all of the money was going to be returned to the City based on ridership, that the Aviation Department was not out any money, they would break even on it and would have a new transportation system, that in fact it was even better because when they negotiated with Continental initially they would have owned the people mover and the City's Department of Aviation owned the entire system out of this and it was recoverable, that they were able to gain ownership of the first phase plus the second phase which they would recover through the passenger charges. Council Members Boney, Todd, Sanchez and Bell absent.

A vote was called on Item No. 47. All voting aye. Nays none. Council Members Boney, Todd, Sanchez and Bell absent. ORDINANCE 2001-0754 ADOPTED.

46. 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 – (This was Item 20 on Agenda of August 8, 2001, TAGGED BY COUNCIL MEMBERS PARKER and GOLDBERG)** – was presented. All voting aye. Nays none. Council Members Todd, Sanchez and Bell absent. ORDINANCE 2001-0755 ADOPTED.

Council Member Goldberg stated that he wanted to thank Mr. Allen who took him on a tour of the Riverside General Hospital and thought that this was a very good expenditure and thanked Mr. Allen for educating him on exactly what went on there. Council Members Todd, Sanchez and Bell absent.

16. RESOLUTION approving and adopting Revised Investment Policy for the City of Houston and making various provisions – was presented, and tagged by Council Member Goldberg. Council Members Todd, Sanchez and Bell absent. (Note: Council Member Goldberg removed his tag later in the meeting.)

The sale of the obligations described in Items 17 through 19 below completes the

financing approved by Ordinance 2001-521, passed June 6, 2001 (Series A and B Bonds), and Ordinance 2001-712, passed August 1, 2001 (Series C Certificates) which obligations have been priced and marketed as a package by the finance working group. Because the obligations have been priced and marked for sale as a package the failure to adopt any one of the items will require cancellation of the sale of the others.

17. ORDINANCE authorizing the issuance of the City of Houston, Texas, Public Improvement and Refunding Bonds, Series 2001A; prescribing the terms and form thereof; providing for the payment of principal thereof and interest thereon; awarding the sale of the bonds and authorizing execution of a purchase contract; authorizing the purchase of a policy of Municipal Bond Insurance; ratifying the use of a preliminary official statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; authorizing the defeasance of certain outstanding bonds and commercial paper notes, the execution and delivery of escrow agreements, the purchase of and subscription for certain securities and the use of certain funds related to the bonds and notes to be defeased; authorizing escrow verification; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a paying agent/registrar agreement, co-bond counsel agreement and special disclosure co-counsel agreement – was presented.

Council Member Ellis moved to suspend the rules to hear from Dr. Philip Scheps and Ms. Judy Johnson at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Sanchez and Bell absent. MOTION 2001-0914 ADOPTED.

Council Member Ellis stated that he was curious why the City of Houston used negotiating pricing with its underwriters, and Dr. Scheps stated that this was a debate that had been going on for 25 years, that the investment policy that they put out in draft form, the debt management policy contained some language on this, that they had been delaying this but it was going to come to the next Fiscal Affairs Committee meeting and the answer was that generally it kind of depended on the deal, that this was a deal that was shifting very quickly and usually, what the policy says, was that they were going to favor competitive bidding except under those circumstances where it was not possible to do it, that in a competitive bid they had to make all the decisions well in advance, put it in a OS and send it out and in a negotiated transaction they ended making changes in the last minute, that because it was a refunding it was very fluid, that he disagreed with the word guaranteed, that if everything was totally identical and nothing changed perhaps he would agree with the nature of guarantee, but on this particular deal had they made it a competitive deal three weeks ago, which was when they would have had to do it, he did not know if they could have been assured of getting the best price yesterday than they did as a negotiated transaction, and Ms. Johnson stated that she would agree with what Dr. Scheps was saying, that one of the main issues that was in the draft debt policy they talked about was the size of the deal and when they got upwards close to half a billion dollars that was generally of a size that negotiated transactions start to look a lot better in terms of being able to make sure that they were meeting exactly at the market on that day, that the size of the deal was one of the main factors that they looked at in determining whether to renegotiate, that it did not guarantee that everybody on the team would make a certain amount, and the consultant stated that he would agree and would put it in two words, amount and complexity, that this transaction had a particular complex element in it in that they were selling bonds today but they were actually not closing part of the transaction until December.

After further discussion by Council, a vote was called on Item No. 17. All voting aye. Nays none. ORDINANCE 2001-0756 ADOPTED.

18. ORDINANCE authorizing the issuance of the City of Houston, Texas, Public Improvement

Forward Refunding Bonds, Series 2001B; prescribing the terms and form thereof; providing for the payment of principal thereof and interest thereon; awarding the sale of the bonds and authorizing execution of a forward purchase contract; authorizing the purchase of a policy of Municipal Bond Insurance; ratifying the use of a preliminary official statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; authorizing the refunding and defeasance of certain outstanding bonds, the execution and delivery of an escrow agreement, the purchase of and subscription for certain securities and the use of certain funds related to the bonds to be defeased; authorizing escrow verification; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a paying agent/registrars agreement and co-bond counsel agreement and special disclosure co-counsel agreement – was presented. All voting aye. Nays none. ORDINANCE 2001-0757 ADOPTED.

19. ORDINANCE authorizing the issuance of the City of Houston, Texas, Certificates of Obligation, Series 2001C; prescribing the terms and form thereof; providing for the payment of principal and interest thereon; awarding the sale of the certificates and authorizing execution of a purchase contract; authorizing the purchase of a policy of Municipal Bond Insurance; ratifying the use of a preliminary official statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the certificates; making other provisions regarding such certificates and matters incident thereto; authorizing execution and delivery of a paying agent/registrars agreement, co-bond counsel agreement and special disclosure co-counsel agreement - was presented. All voting aye. Nays none. ORDINANCE 2001-0758 ADOPTED.
2. RECOMMENDATION from Director Department of Public Works & Engineering approving the Floodplain Management Plan (FPM) Plan as part of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) - Community Rating System (CRS) Application Requirement - GFS M0220-01-2 (SM5013) – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro.

Council Member Parker stated that she knew they were having to come up with a 180 day mitigation plan to document what they learned from Tropical Storm Allison, what they did or did not do well, and stated that she wanted to know when this documentation got completed and that there would be a presentation at some Council committee, and Mayor Brown stated that they would do that.

Council Member Robinson stated that he was in support of the item and stated that he had been asking for some kind of identification of the repetitive flooding areas in the City, those streets that were outside the flood plain, that he hoped that Mr. Haines and Mr. Rolan could work on it with him, that his ultimate aim was that at some point to overlay this information with the CIP drainage program to see if they were investing their dollars in the areas of repetitive flood and they could help mitigate some of those things.

A vote was called on Item No. 2. All voting aye. Nays none. MOTION 2001-0915 ADOPTED.

48. 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 48a below – **(This was Item 35 on Agenda of August 1, 2001, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented. All voting aye. Nays none. MOTION 2001-0916 ADOPTED.

- 48a. ORDINANCE amending **CHAPTER 45, CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Residential Parking Permits – (**This was Item 35A on Agenda of August 1, 2001, TAGGED BY COUNCIL MEMBER VASQUEZ**) – was presented. All voting aye. Nays none. ORDINANCE 2001-0759 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 41

MISCELLANEOUS - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds over \$15,000.00 for Water & Sewer Accounts for various customers - \$43,729.76 Enterprise Water & Sewer Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2001-0917 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 15

8. **AMEND MOTION #98-2034, 12/16/98, TO EXTEND** expiration date for twelve months from February 26, 2002 to February 25, 2003, for Equipment, Road Machinery, Gradall Replacement Parts for Various Departments, awarded to **HI-WAY EQUIPMENT COMPANY, INC** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0918 ADOPTED.
10. Omitted
13. **BONDO CORPORATION** for Detector Loop Sealant for Department of Public Works & Engineering - \$58,500.00 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0919 ADOPTED.
14. **G & G DEMOLITION SERVICES, INC** for Securing of Dangerous Buildings and Site Clean-up Services for the Department of Public Works & Engineering - 16,998.00 and contingencies for a total amount not to exceed \$17,847.90 - General Fund - **DISTRICTS B - GALLOWAY; D - BONEY; I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0920 ADOPTED.
15. **SNELSON SERVICES CO., INC** - \$141,719.49 and **BAYOU CITY FORD TRUCK SALES, INC** \$116,573.68 for Automotive Air and Spring Brake Replacement Parts for Various Departments General and Enterprise Funds – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0921 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 16 through 41

30. ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein; awarding contract for Parks Maintenance/Management Services for Parks and Recreation Department to **TEXAS INDUSTRIES FOR THE BLIND & HANDICAPPED, INC.** 5 years \$1,115,566.50 - General Fund - **DISTRICTS - B - GALLOWAY; E - TODD; and I - CASTILLO** – was presented. All voting aye. Nays none. Council Members Goldberg and Robinson absent. ORDINANCE 2001-0760 ADOPTED.

37. ORDINANCE appropriating \$55,798.95 out of General Improvement Consolidated Construction Fund, awarding construction contract to **LITTLE TIKES COMMERCIAL PLAY SYSTEMS, INC** and approving and authorizing professional services contract for engineering testing services with **PARADIGM CONSULTANTS, INC** for Five Playgrounds - Spurlock, Garden Villas, Fonde, Sagemont and Boone Road Parks, GFS F-0468-01-03, providing funding for construction management and contingencies relating to construction of facilities financed by General Improvement Consolidated Construction Fund; \$271,993.00 Equipment Acquisition Fund for a total of \$327,791.95 - **DISTRICTS E TODD; F - ELLIS; and I – CASTILLO** had been pull from the Agenda by the Administration and was not considered. Council Members Goldberg and Robinson absent.
38. ORDINANCE appropriating \$137,414.01 out of General Improvement Consolidated Construction Fund, awarding construction contract to **TEJAS MECHANICAL, INC** and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** for Houston Zoological Gardens - HVAC Replacement at Three Buildings and Renovation of Five Roofs, GFS F-0364-02-03; providing for construction management and contingencies relating to construction of facilities financed by General Improvement Consolidated Construction Fund; \$474,798.00 Equipment Acquisition Fund and \$62,421.49 Park Capital Fund for a total \$674,633.50 - **DISTRICT D – BONEY** had been pull from the Agenda by the Administration and was not considered. Council Members Goldberg and Robinson absent.
41. ORDINANCE No. 2001-720, passed second reading August 8, 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 - **THIRD and FINAL READING** – was presented. PASSED THIRD AND FINAL READING IN FULL. Council Members Goldberg and Robinson absent.

MISCELLANEOUS

1. RECOMMENDATION from Director Department of Health & Human Services for approval of fourth year funding for an Interlocal Agreement with **HARRIS COUNTY** for the Houston/Harris County Child Fatality Review Team - \$44,732.00 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0922 ADOPTED.
3. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **C. C. I. P. SECURITY ASSOCIATION, INC** for Law Enforcement Services from Constable Precinct 6 to serve the area bounded by Lawndale, Wayside, Sylan and North MacGregor; Harrisburg, Wayside, Lawndale, Telephone Road, Lombardy, I-45 and Lockwood and the boundaries of the Greater East End Management District - **DISTRICT I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0923 ADOPTED.

ACCEPT WORK

5. RECOMMENDATION of the Director Department of Public Works & Engineering for approval of final contract amount of \$1,271,361.58 and acceptance of work on contract with **T & C CONSTRUCTION, INC** for MUD 123 Diversion to Keegans Bayou WWTP, GFS R-0169-01-3 (4704-1) - 03.81% over the original contract amount - **DISTRICT F - ELLIS** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0924 ADOPTED.

PROPERTY

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee on request from Robert Atkinson, on behalf of TCR Memorial Bend Holdings, L. P. for abandonment and sale of two 10-foot-wide water line easements in exchange for the conveyance to the City of a 10-foot-wide water line easement, a ±100-square-foot fire hydrant easement, and a water meter easement, all located within Devonshire Apartments, Reserve A, Memorial Bend Subdivision, Section 3, George Bellows Survey, Abstract 3, Parcels SY1-076A, SY1-076B, KY1-095A, KY1-095B and KY1-095C **STAFF APPRAISERS - DISTRICT G - KELLER** – was presented, moved by Council Member Boney, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0925 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee on request from David L. Cook, on behalf of Tommy L., Gilbreath, for abandonment and sale of a ±20-foot-wide portion of the old Fannin street right of way, between Block 3 and the elevated Fannin Street ramp, in exchange for the applicant's relinquishment of a 20-foot-wide right of way and easement, located in Block 3, all within South Side Buffalo Bayou, Parcel SY1-074 - **STAFF APPRAISERS - DISTRICT I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0926 ADOPTED.

PURCHASING AND TABULATION OF BIDS

9. **AMEND MOTION #2001-193, 2/21/01, TO INCREASE** quantity to purchase Three Additional 90-HP Tractors with Mowers for the Aviation Department awarded to **LANSDOWNE MOODY COMPANY, INC** for a total increase of \$182,868.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY and E - TODD** – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0927 ADOPTED.
11. **BECKMAN COULTER, INC** - \$29,610.00 and **BIOWHITTAKER, INC** - \$52,858.40 for Medical, Virological Tests for the Health & Human Services Departments - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0928 ADOPTED.
12. **GRAPHIC PRODUCTS, INC** for Label Maker Machines for Department of Public Works & Engineering - \$78,229.90 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Robinson absent. MOTION 2001-0929 ADOPTED.

RESOLUTIONS AND ORDINANCES

20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot wide alley, between Roy and Sandman Streets, containing 3,750 square feet (0.0861 acre) of land, more or less, out of Block 34, A. Brunner addition, Harris County, Texas; vacating and abandoning said tract of land to Rose Street Townhomes, LTD., the abutting owner, in consideration of owner's payment of \$60,000.00 and other consideration to the City; containing various findings and other provisions related to the subject - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Goldberg and Robinson absent. ORDINANCE 2001-0761 ADOPTED.
21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Riverway Drive Street right of way containing 18,273 square feet of land, more or less, being located in the William White 1/3 League, A-136, Harris County, Texas; vacating and abandoning said tract of land to Protestant Episcopal Church Counsel of the Diocese of Texas, abutting owner, in consideration of owner's dedication of an easement for the street right of way purposes containing 20,343 square feet of land, more or less, and payment of \$300.00 and other consideration to the City; containing various findings and other provisions related to the subject - **DISTRICT G-KELLER** – was presented. All voting aye. Nays none. Council Members Goldberg and Robinson absent. ORDINANCE 2001-0762 ADOPTED.
22. ORDINANCE approving and authorizing Change Order to the General Property Insurance Policy between the City of Houston and Westchester Fire Insurance Company for properties located inside and outside of the 100-year flood plain to reinstate flood insurance aggregate limit of \$5,000,000.00 provided by Primary Insurer - \$500,000.00 - General and Enterprise Funds – was presented. All voting aye. Nays none. Council Members Goldberg and Robinson absent. ORDINANCE 2001-0763 ADOPTED.
23. ORDINANCE relating to the Disaster Recovery Fund; deappropriating \$3 Million from a previous appropriation from the disaster recovery fund (Ordinance No. 2001-534); appropriating \$3 Million from the Theater District Renewal and Replacement Fund and authorization transfer such funds to the Disaster Recovery Fund ; appropriating \$6.5 Million out of Disaster Recovery Fund for Contract No. 52845 (Gilbane Building Company) for the restoration of the Theater District Parking Garage; appropriating \$4,555,000.00 from the Disaster Recovery Fund for disaster related purchases and repairs – was presented.

Upon questions by Council Member Tatro, Mr. Haines stated that this was essentially a bookkeeping matter that would allow them to continue the projects going forward with the recovery then being allocated back, that they were transferring funds from the General Fund to C&E, that Dr. Scheps could address this. Council Members Todd and Vasquez absent.

Council Member Tatro moved to suspend the rules to hear from Dr. Philip Scheps at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2001-0930 ADOPTED.

Upon questions by Council Member Tatro, Dr. Scheps stated that they had a commitment that these funds would be transferred back, that it was absolutely understood that the obligation for the net flood damage for the C&E facilities was C&E's that they were obviously not prepared at this moment and that was why they were using available funds elsewhere, but there was not doubt about the commitment that in the end it was going to be C&E's obligation to fund what ever net damage after all insurance reimbursements, but they were unsure about that at this point,

that they had received \$5 million from their first level insurance carrier very early on, and the Mayor had just stated that they had received another \$3.9 million in their first FEMA check. Council Members Todd and Vasquez absent.

After further discussion, a vote was called on Item No. 23. All voting aye. Nays none. Council Members Todd and Vasquez absent. ORDINANCE 2001-0764 ADOPTED.

23a. RECOMMENDATION from Finance & Administration to award to **GBS ENVIRONMENTAL, INC** for purchase of Mold Remediation, Lead Abatement and Demolition Services at Fire Station 18 for the Building Services Department - \$42,400.00 and contingencies for a total amount not to exceed - \$44,520.00 - Disaster Recovery Fund - **DISTRICT I - CASTILLO** – was presented, moved by Council Member Boney, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Todd and Vasquez absent. MOTION 2001-0931 ADOPTED.

24. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC** for the administration and operation of the mobile outreach program - \$250,000.00 - General Fund – was adopted.

Council Member Bell asked if Mr. Haines would find out if this was the third year of funding, that a question arose in the budget discussions as to whether something may have gone awry last year and if he could check on that and confirm it one way or another. Council Member Vasquez absent.

Council Member Ellis stated that they kept seeing more homeless people being pushed out into the residential areas and he would request that SEARCH start working within the neighborhood communities. Council Member Vasquez absent.

Council Member Tatro stated that he had not supported this effort for the last couple of years, that his problem was the concern of the funding for this, that they issue bond debt to deal with specifically not only low income housing but the homeless issues, that they had CDBG money that could be dedicated for that effort and thought when they put the budget together this should be a priority within the CDBG money and should be a priority within the specific bond allocation for year to year, that this program did not exist in the General Fund as of two years ago and was continually encroaching into the General Fund when other resources were available and would ask the administration to commit the source of funding for this to be in the bond funds for year to year and commit the source of funding to be the CDBG money from year to year that he thought that was the most appropriate place for it, that he would not be in support of it for the third year in a row. Mayor Brown, Council Members Todd, Vasquez and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that she wanted to express her agreement with Council Member Tatro, that she did support the item and intended to vote for it but it was an encroachment into the General Fund and would hope that the administration would look to fund this in the future out of the CDBG funds. Mayor Brown, Council Members Todd, Vasquez and Sanchez absent. Mayor Pro Tem Boney presiding.

After further discussion a vote was called on Item No. 24. Council Member Tatro voting no, balance voting aye. Mayor Brown, Council Members Todd, Vasquez and Sanchez absent. Mayor Pro Tem Boney presiding. ORDINANCE 2001-0765 ADOPTED.

25. ORDINANCE appropriating \$300,00.00 out of Low Income Housing Fund (Fund 872) and

approving and authorizing agreement between the City of Houston, **PLEASANT HILL COMMUNITY DEVELOPMENT CORPORATION (“PHCDC”)** and six entities related to PHCDC to provide a short term loan to pay eligible costs in connection with the acquisition of six apartment complexes to provide housing to low-income persons - **DISTRICTS A - TATRO; B - GALLOWAY; F - ELLIS; G - KELLER and I – CASTILLO** – was presented.

Council Member Ellis stated that he intended to tag the item, that he had some concerns with the item from the standpoint that the president of Pleasant Hill Community Development Corporation served on the board of the Houston Housing Finance Corporation and the Pleasant Hill Community Development Corporation stands to benefit from this so at a time where they were looking at one another and their campaigns and ethics and so forth they needed to start maybe taking a look at the board members that they were appointing to certain boards and take a look at what type of restraints they should place on each of those board members and whether their corporations and or businesses should benefit from their sitting on that board, that he planned on tagging the item and hoped to meet with some people prior to next week. Mayor Brown, Council Members Todd, Vasquez and Sanchez absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that Item No. 25 was also tagged by Council Member Sanchez. Mayor Brown, Council Members Todd, Vasquez and Sanchez absent. Mayor Pro Tem Boney presiding. (Note: Council Member Sanchez was outside the rail when he tagged the item)

Council Member Quan stated that he too had some concerns regarding the long term financing of this alleged commitment that had already been made as well as collateral being put up for the loan so he would like to add his tag to the item, that he believed he had a meeting scheduled with the people from housing to discuss these concerns. Mayor Brown, Council Members Todd, Vasquez and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that he received some information yesterday afternoon which he had not had a chance to see, that he had a broader issue and thought that at one time the Mayor had agreed to appoint a committee to look at housing because he thought they needed to look at the competitiveness of these financings, that he was concerned that they may be building too much multi family housing and not focusing enough on single family housing which was what they knew created neighborhoods, that in his district they had a net loss over the years of many single family homes that had not been replaced and they needed to see how they could shift their attention into doing some of that, that he knew that annually they passed a comprehensive housing assistance plan for community development and maybe they did not pay enough attention to it, but that was basically where they set their priorities as to where their money was going to go, so he hoped that whatever committee was appointed would make that a priority to see that the housing assistance plan actually reflected what the Council intended the City’s policies to be, and Mayor Pro Tem Boney stated that the administration was going to appoint a housing committee and they would take his recommendations into consideration as that committee proceeds with its work. Mayor Brown, Council Members Goldberg, Todd, Vasquez and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Tatro stated that he wanted to add his tag to the item, that they had a City policy here that aided and abated housing on one side but also had a direct opposite impact on the tax base and if they were fueling this he did not know that it was a good City policy to be fueling. Council Members Todd, Castillo and Sanchez absent.

Council Member Robinson stated that he agreed that they did need a comprehensive policy, that he had been a big advocate of affordable housing in the City, and if they could protect

some of the property tax base they ought to, but they ought to be also mindful that part of the problem was that they did not have the private development community building low and affordable income housing.

After further discussion by Council, Council Member Keller requested that his tag be added to the item and Mayor Brown stated that the item had been tagged.

- 25-1. ORDINANCE appropriating \$540,424.00 out of Homeless and Housing Consolidated Fund and approving and authorizing First Amendment to grant agreement between the City of Houston and **W. I. MILLER & ASSOCIATES, INC** to provide an additional \$540,424.00 to complete rehabilitation and repair storm damage to the La Fiesta Apartments which are restricted to occupancy by low to moderate income persons; making various findings and provisions related thereto - **DISTRICT E - TODD** - was presented, and tagged by Council Member Keller. Council Members Goldberg and Tatro absent.
26. ORDINANCE approving and authorizing Amendment No. 1 to supplemental agreement No. 11 to master multiple use agreement between the **TEXAS DEPARTMENT OF TRANSPORTATION** and The City of Houston, Texas, for space beneath I.H. 45 between Preston Avenue and Buffalo Bayou - was presented. All voting aye. Nays none. Council Members Todd and Goldberg absent. ORDINANCE 2001-0766 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City of Houston and **SETON CATHOLIC JUNIOR HIGH SCHOOL** for school crossing guards services - Child Safety Fund - was presented. All voting aye. Nays none. Council Members Todd and Goldberg absent. ORDINANCE 2001-0767 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston and **H.S. HICKS, D.V.M.** for professional mounted patrol veterinary services for Houston Police Department 2 years with option of two one year extensions - \$140,000.00 - General Fund - was presented. All voting aye. Nays none. Council Members Todd and Goldberg absent. ORDINANCE 2001-0768 ADOPTED.
29. ORDINANCE awarding the contract to **SIMCO ENTERPRISES** for Radionics Alarm System Installation Services for Parks and Recreation Department; providing a maximum contract 1 year - \$29,600.00 - Parks Special Revenue and Equipment Acquisition Consolidated Funds - was presented. All voting aye. Nays none. Council Members Todd and Goldberg absent. ORDINANCE 2001-0769 ADOPTED.
31. ORDINANCE amending Chapter 10 of the Code of Ordinances, Houston, Texas, relating to affidavits that are provided by applicants for building permits, certificates of occupancy and life safety certificates; containing other provisions relating to the foregoing subject - was presented. All voting aye. Nays none. Council Members Todd and Goldberg absent. ORDINANCE 2001-0770 ADOPTED.
32. ORDINANCE appropriating \$50,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Environmental Consulting Services contract between the City of Houston and **GEO ENVIRONMENTAL CONSULTANTS, INC** CIP D-0073-01-2; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - was presented, and tagged by Council Members Keller and Tatro. Council Members Goldberg and Tatro absent.

Council Member Keller stated that he intended to tag the next five items for different reasons that he would meet with Building Services on over the next week, that he wanted to point out, because although he applauded the action that the administration had taken in executing and legislating the Street Cut Ordinance, it was still in his opinion a great priority, much greater than some of the items such as this one could be, that these total together \$250,000 and he was going to meet about some of the issues that he had on those over the next week, but what he would like to point out to the Council and the administration was that they had to take two inspectors out of water, waste water and street and bridge and those each represented 20% of the inspector workforce for each division, that not just because of the but because of the growth of the City and because of the attack that some of the utility companies had plagued the City with as far as their steel plate acme, that Plan Review had needed a lot more people so they had to take some of the inspectors, that in short he was saying that Plan Review needed more plan coordinators, that the Water Department, Wastewater, Street and Bridge needed more inspectors for their divisions and he thought that was at a critical mass and critical point for the City and so he was hoping that when they saw amounts of money that equaled that, that this \$250,000 could be five more inspectors which would lighten the load and also cover a greater need in his opinion, that the Street Cut Ordinance was severely undermanned as far as the enforcement part of it and he was hoping that they would make that a higher priority sooner than later. Council Member Goldberg absent.

Council Member Tatro stated that he planned to also tag the item and would like to speak to someone from Building Services about the policy shift to go with several companies as opposed to one company, and Mayor Brown stated that they would have someone visit with him. Council Member Goldberg absent.

33. ORDINANCE appropriating \$50,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Environmental Consulting Services contract between the City of Houston and **PRIDA ENVIRONMENTAL SERVICES, INC** CIP D-0073-02-2; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - was presented, and tagged by Council Members Keller and Tatro. Council Members Goldberg and Tatro absent.
34. ORDINANCE appropriating \$50,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Environmental Consulting Services contract between the City of Houston and **RAO ENVIRONMENTAL, INC** CIP D-0073-03-2; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - was presented, and tagged by Council Members Keller and Tatro. Council Members Goldberg and Tatro absent.
35. ORDINANCE appropriating \$50,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Environmental Consulting Services contract between the City of Houston and **ENVIRONMENTAL RESOURCE CONSULTANTS, INC** CIP D-0073-05-2; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - was presented, and tagged by Council Members Keller and Tatro. Council Members Goldberg and Tatro absent.
36. ORDINANCE appropriating \$50,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Environmental Consulting Services contract between the City of Houston and **GROUND TECHNOLOGY, INC** CIP D-0073-07-2; providing funding for contingencies relating to construction of facilities

financed by the General Improvements Consolidated Construction Fund - was presented, and tagged by Council Members Keller and Tatro. Council Members Goldberg and Quan absent.

39. ORDINANCE approving and authorizing the second contract amendment between City of Houston and **ST ENVIRONMENTAL SERVICES, INC** for operation of the Kingwood Sewer and Water System; providing a maximum contract amount - \$500,000.00 - Enterprise Fund **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Council Members Goldberg and Quan absent. ORDINANCE 2001-0771 ADOPTED.
40. ORDINANCE approving and authorizing third contract amendment between City of Houston and **AZURIX NORTH AMERICA OPERATIONS AND MAINTENANCE, INC** for operation of the Forest Cove Sewer and Water System; providing a maximum contract amount - \$180,000.00 Enterprise Fund - **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Council Members Goldberg and Quan absent. ORDINANCE 2001-0772 ADOPTED.

MATTERS HELD - NUMBERS 42 through 48A

42. 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 - (This was Item 2 on Agenda of August 8, 2001, TAGGED BY COUNCIL MEMBER VASQUEZ)** - was presented, moved by Council Member Boney, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2001-0932 ADOPTED.
44. 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 - **(This was Item 18 on Agenda of August 8, 2001, TAGGED BY COUNCIL MEMBER ROBINSON)** - was presented. All voting aye. Nays none. Council Members Goldberg and Quan absent. ORDINANCE 2001-0773 ADOPTED.
45. 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 - **(This was Item 19 on Agenda of August 8, 2001, TAGGED BY COUNCIL MEMBERS ROBINSON and VASQUEZ)** - was presented. All voting aye. Nays none. Council Members Goldberg and Quan absent. ORDINANCE 2001-0774 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Vasquez stated that he wanted to invite the Council Members and the general public to their Back to School Fair at Northline Mall, that the consulates would all be there to provide free services and information, that they were also providing free immunizations, that they were also providing parent workshops and leadership workshops for parents on how to interact with the school system, how to discipline their child, how to create a home learning environment, many types of programs and information that parents would need to better educate their kids both in the home and school, that the program would start at 11:30 a.m. until 4:00 p.m. Council Member Goldberg absent.

Council Member Keller stated that he had a letter from Mr. Deffebach who's wife had a life or death medical emergency not too long ago, that Mr. Deffebach wanted to thank the Houston Fire Department and all its personnel for their prompt response and overwhelming assistance, that attributed to saving her life, that from Medic 62, Bradley Grisham and Robert Garnes, ambulance drivers Stephen Bradford and Kevin Courtney, supervisor from Station #4 Carl (Andy) Moore, from Engine #38 Russell Hawkins, Bruce Strong and Jose Trujillo. Council Member Goldberg absent.

Council Member Keller stated that he wanted to remind the Council and administration that school would begin in Alief and Spring Branch this week and Houston Independent School District would begin next week, that he would hope that the people who dealt with the school districts to double their efforts to make sure that the school zone signs and flashing lights were up and working good and to remind everybody to be more careful and watchful for the little children who would be crossing the streets.

Council Member Sanchez stated that the issue of streets had been brought to his attention again particularly over the course of the last several weeks while driving down Shepherd, that he noticed that a contractor had essentially made the right lane of Shepherd if they were traveling north between Westheimer and West Gray virtually useless so he wanted to get an update as to what was going on there. Council Member Tatro absent.

Council Member Sanchez moved to suspend the rules to hear from Mr. Tom Rolen, Director, Public Works and Engineering, at this time, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Tatro absent. MOTION 2001-0933 ADOPTED.

Upon questions by Council Member Sanchez, Mr. Rolen stated that as he had mentioned to Council Member Sanchez this morning that particular cut, for the record, was Latma and Stella Link, that it was not a permitted cut, that the responsible entity went in there and did not have a permit and they were shut down, that he was meeting with the utility this afternoon, that what happened on Shepherd was probably a good example of the ordinance working and was that the contractor went in there and installed what he needed to do and the repairs that he affected were not satisfactory so they instructed him to mill out the entire area that he had worked in, not just patch it, that he had done that and was currently in the process of repairing some curbs and gutter pans that he had damaged, and once he got through repairing that he would be resurfacing that lane. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that she had received a number of e-mails and letters from constituents concerned about the changes in wrecker regulations and at least anecdotal evidence of a proliferation of wreckers going to accident scenes, that she knew they were looking at all avenues for re-regulating them as much as they could and knew that they were

considering what to do with accident scenes and hoped they were moving to making it a non-consent tow but in the interim she thought that it would be helpful if the police department would be particularly aware of wreckers speeding to accident scenes and more aggressively ticket those drivers who were breaking various traffic law and posing a hazard to the public. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding.

Council Member Parker stated that there was an article in the newspaper last week about someone who had a heart attack at a City golf course and was resuscitated, ultimately unsuccessfully, but was resuscitated by a defibrillator, that she was really appreciative when the Mayor put defibrillators in City facilities and encouraged their placement in all sorts of public spaces, but had not noticed where they were at City Hall, and Mayor Pro Tem Boney stated that they would find out where they were located, and Council Member Parker stated that it would be helpful to know who had gone to the classes and been trained on the use of the defibrillators. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding.

Council Member Goldberg stated that his questions had been answered on Item No. 16 and so he was going to remove his tag. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding.

16. RESOLUTION approving and adopting Revised Investment Policy for the City of Houston and making various provisions – was again presented. All voting aye. Nays none. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding. RESOLUTION 2001-0036 ADOPTED.

Council Member Castillo stated that in the downtown area where there was construction of either the Cotswold or the Metro streets there was still a lot of congestion on the cross streets and he believed that sometimes the contractor, for whatever reason, takes up more room than they really need so instead of blocking one lane they block two so it restricts a major east west thoroughfare down to one lane, and Mr. Haines stated that they had a task force working and as of yesterday had begun to do full permit enforcements, that many of the permits were 30 day renewable and they were zero basing each one of those permits now where they could determine whether they could push lanes to open up for traffic, and finally they hoped to have a report to them by the end of the week on some cross streets that they intend to overlay. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that there was an article in the newspaper concerning the Spanish Village Apartment project, that apparently residents had been allowed to move back in and were finding very minimal repairs done to their units and most of the structural repairs that needed to be made had not been made, that he would like to know how it was that they audited whether the money, in this case in particular, was part of a larger loan package from banks and the Community Development Division, was actually utilized for the purposes that they were granted, that there were some pretty serious allegations about structural repairs not having been made, that he would like to know, particularly in this project, how they were going to give it a final pass, and Mayor Pro Tem Boney stated that Community Development could provide some information on that and as he understood it there was an intense review of the Spanish Village Project. Mayor Brown, Council Members Galloway and Todd absent. Mayor Pro Tem Boney presiding.

Council Member Castillo stated that he knew they were going to pass the NPDES Plan which was the pollution elimination system plan and he knew that it was going to collect information and was going to take a lot of archiving of information and a lot of follow up on the part of Public Works to make sure that the permit was being enforced and the measures that had been put in place to eliminate dumping pollution into the rivers and bayous and estuaries of

the City were followed and he did not know whether they were going to have a test period or whether they were going to go into it full boar but at some point they needed to look at the adequacy of the personnel at Public Works to make sure they had enough people to enforce the requirements of the permit, that a lot of paperwork was going to require a lot of handling, and Mayor Pro Tem Boney stated that he might want to speak to Dr. Berger as well because her team was part of the environmental structure in the City and was sure that she might have some insight as to how they would implement on their end.

Council Member Bell stated that he had one request and if the administration could communicate it to the police department on his behalf he would be most appreciative, that in reading about the drug deaths in yesterday's newspaper he was obviously alarmed by the number of people who had overdosed in connection with the bad drug that was apparently on the street and was now being investigated, but there was another statistic sited in the story that he found to be almost equally alarming and that was the reference to the July 2001 drug overdose figures as compared to July of 2000, that the story pointed out that there were some 30 drug overdoses in July 2001 as compared to 3 drug overdoses in the same period in the year 2000, that obviously there was a huge disparity in that and he would think that anyone looking at that statistical data would be extremely alarmed, that the police chief had indicated that the statistical data the police department had not only tracked but responded to in a rapid fashion, that he was curious as to when that statistical data became known by the Houston Police Department and what was done in response to it, that when they noticed that they had 30 drug overdoses in the month of July 2001 as compared to 3 in July of 2000 was anything done in response, that was his request and he wanted that communicated to the police department. Mayor Brown, Council Members Galloway, Todd and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Goldberg stated that he wanted to thank the City Council for unanimously passing the decal parking, that he thought it would open a whole can of worms and thought that it would cause a lot of problems and there would be a lot of debate, that fortunately it was only a one year pilot program and at the end of that they could come back and take a look at the problems, that it would raise a lot of tempers in neighborhoods but it was something that they at least needed to look at and experiment with. Mayor Brown, Council Members Galloway, Todd and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Goldberg stated that a civic leader in District C, in Westbury, passed away, Mr. Cecil Toome, he was a long time civic leader and was 81 years old, that he was reading his obituary and it struck him as interesting the kind of life he led was something that maybe they all aspired to and were not able to do because of their specific interests, that he was an Eagle Scout and had only worked for Woolworth for his entire life, that he helped out strongly in the community and was very instrumental in Westbury with their flooding problems, that he was a family man and stayed in his community and led a simple life and accomplished a lot, that his funeral would be this afternoon. Mayor Brown, Council Members Galloway, Todd and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that hopefully in the not too distant future the administration would come forward with any specific recommendations on the somewhere in the ballpark of a \$6 million surplus that they finished FY01 with, that his hope was that they would do something for the civilian workforce in terms of a one time bonus and that they would have some for fire overtime, that he sent out a memo to the effect that they use some of that money to address the immunization issues that were brought to light recently in the newspaper, the HIV/AIDS and Hepatitis B effort that they had on the way and to a least put another \$500,000 into the Rainy Day Fund so they could continue to build that over the coming years. Mayor Brown, Council Members Galloway, Todd, Keller and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that they passed a couple of weeks ago the transportation planning effort in the Medical Center area and there still had not been any formal coming together of the civic clubs in that area and he would hope that the Planning Department would take the lead on notifying them and scheduling a meeting so those groups could get together and organize themselves to be fully participatory in that effort, that he had run into a number of individuals from various civic clubs in that area and they all had a different view of what was going on in that project. Mayor Brown, Council Members Galloway, Todd, Keller and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that he was still interested in looking at privatizing or more parking meters downtown as they finish off the street construction in that area, because it would generate several additional millions of dollars and he was advocating that they dedicate some of that money to doing more parks and he would still be interesting in that. Mayor Brown, Council Members Galloway, Todd and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that he wanted to congratulate the Chronicle, that in Monday's paper they had a story about the cowboys of color rodeo that was out at the Houston Farm and Ranch Club, that a lot of folks were not fully aware of that there were about 50,000 African American cowboys and cowgirls who participated and identified in that effort, that there was a new Buffalo Soldier Museum in the Third Ward area on Southmore at Almeda and this was the first time this particular rodeo was in the Houston area and hopefully they would come back and it would continue to grow especially in light of the support they had in this community for the Houston Livestock Show and Rodeo, that one of the things in the Chronicle article that some folks may not have known they pointed out that historians said that about one third of the cowboys who moved cattle on the Chisum Trail were either African American, Hispanic or Native Americans at the height of the cowboy movement. Mayor Brown, Council Members Galloway, Goldberg, Todd and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that in the Chronicle newspaper there was a story about two possible referendums on the ballot, that one of them talked about rail and he would save that for another day, and the other talked about an effort being led by Paul Bettencourt, Tax Assessor and Collector to try to have a referendum to cap the City's tax revenues and in the story the State statute and Truth in Taxation, that the Truth in Taxation already capped the City's revenue and if they crossed the roll back number or the effective rate by 103% the public could come to Council and petition them and they could have an election to roll back the revenues they take into the City, that in the last Legislature session in Austin nowhere did he see the tax assessor talk about changing the formula that applied to the Truth and Taxation Act so they could lower the 8% or 103%, depending on whether it was the roll back or effective rate, that nowhere in the article did he see any reference to capping the revenues to the County, that nowhere did he see any reference to capping revenues to any other cities in the County, that he was all for fiscal responsibility, but for the tax assessor and collector turn around and play politics with the City of Houston's revenues was just outrageous and he ought to be condemned for that, that personally he was not going to tolerate the City of Houston being disrespected by anybody at the County. Mayor Brown, Council Members Galloway, Goldberg, Todd and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Quan stated that they were beginning the Consolidated Municipal Campaign again this year, that last time the Mayor and Controller's office both reported 100% participation by members of their staff, that they talk often times about charitable organizations and how they would like to support them and maybe did not want to use City funds to do that, that the Consolidated Municipal Campaign allowed them to designate what organizations they would like to see funding go to and designate part of their income toward that so he would like to

encourage Council Members and their staffs to participate this year and join the 1% club to give 1% of their income to those charities that they truly believed in and put their money where their mouth was. Mayor Brown, Council Members Galloway, Goldberg, Todd and Sanchez absent. Mayor Pro Tem Boney presiding.

Council Member Tatro stated that a couple of weeks ago he had talked about the need to extend the cutoff date from August 15, 2001 to probably a week and followed it up with a written request to the administration and it was good to see that this week that extension was granted and they would get a one week reprieve to August 22, 2001. Mayor Brown, Council Members Galloway, Goldberg, Todd and Sanchez absent. Mayor Pro Tem Boney presiding.

There being no further business before Council, the City Council adjourned at 11:14 a.m. upon MOTION by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Mayor Brown, Council Members Galloway, Goldberg, Todd and Sanchez absent. Mayor Pro Tem Boney presiding.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary