

City Council Chamber, City Hall, Tuesday, August 21, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 21, 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, Annise Parker, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Paul Bibler, Assistant City Attorney; Mr. Richard Cantu, Director, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Members Gabriel Vasquez and John E. Castillo absent on personal business. Council Member Gordon Quan out of the city on personal business.

At 2:01 p.m. Mayor Brown stated that he wanted to do a presentation for the seniors that graduated from the Youth City Council, that he wanted to congratulate each one of them for a job well done and wanted to extend best wishes for continued success, that he thanked the ones present and the ones that were not present for years of service on the Mayor's Youth Council, that it was a council that was created because the City of Houston needed to listen to their youth leaders, that there would always be challenges and they wanted to have the best advice they could have from the brightest of the young people, that they needed to hear from them what they were thinking and what their colleagues were thinking, what they wanted from the City and what they could offer, that clearly there was a gap of several decades between him and the youth so they needed to communicate, talking and listening, that they all knew how he felt about public service, that it had been his life and was a great satisfaction and he hoped that each of them would consider public service as their career as well, and he invited Mr. Pat Walsh, Montgomery Watson Corporation who would give the scholarships that they were presenting. Council Members Goldberg, Galloway, Boney, Parker, Bell and Robinson absent. (NO QUORUM PRESENT)

Mr. Watson stated that Montgomery Watson was very proud to support the Mayor's Youth Council and they were going to present two scholarships today and they had five scholarships total, and invited Ms. Beatrice Brown to the podium and presented her with a scholarship, and also invited the mother of Ms. Nicole Vasquez to receive the scholarship for her daughter. Council Members Goldberg, Galloway, Boney, Bell and Robinson absent.

At 2:14 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Todd led everyone in prayer and the pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Members Vasquez and Castillo absent on personal business. Council Member Gordon Quan out of the city on personal business. Council Members Galloway, Boney and Robinson absent.

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

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

Mr. Robert Smith, 9309 Willoview, Houston, Texas 77080 (713-984-1352) appeared and stated that he had been present previously with his father, who passed away February 1, 2001, that he lived in his father's house, but down the street he still had his house, and was still trying to deal with his death after six months, that just recently he got a phone call on Thursday morning of last week from inspector James Evans with Neighborhood Protection Agency saying that his property at the other address needed some cleaning up, which he was aware of, behind

the wooden fence, and he told the inspector that it was in process and he was doing as much as he could under his emotional condition still at this time, that he called the inspector four days in a row and left messages on his voice mail to the number that was on the sheet, that he did not return any calls, that he was given three days to finish a project that was going to take about a week and he was in fear of getting a ticket, and when an inspector or anyone else would not return a call from a citizen that was trying to do what he could do, there was a problem, that he would have to say, who was inspecting the inspectors, that he made an inspection on the property on July 30, 2001 and it was not even stamped at the post office until August 9, 2001 and it took 10 days to get from City Hall to the post office, that he received it on August 12, 2001 and was supposed to have everything finished by August 15, 2001, that last Saturday he worked all day long in the sun at 61 years of age and ended up in the veterans hospital all day Sunday, that yesterday he did not do anything because it was 100 degrees and he was not that stupid and today he was present at City Council and tonight he would be trying to finish the project, that his question was that he thought there needed to be more consideration as far as the courtesy of returning a call and doing a follow up, that he had been a volunteer with the City for 5 years writing enforcement handicap tickets, that there had been months when he had written 200 tickets at \$205 a piece. Council Member Robinson absent.

Mayor Brown stated that Mr. Greg Simpson would meet with him and work with him to take care of the concerns he brought to their attention.

Council Member Tatro stated that he would agree with him that a Neighborhood Protection inspector to not return calls, especially in dealing with somebody's property and the fact that they were making a good faith effort in rectifying the situation, that if it occurred again or was not getting return calls to contact his office.

Mayor Brown stated that if he had the names of the people who would not return his calls to give them to Mr. Cantu and he would follow up on it.

Council Member Bell asked when he placed the calls, and Mr. Smith stated that the calls were placed right after 1:00 p.m. to 2:00 p.m., that it was a voice mail at 713-718-5569 which was on the notice, that he left messages on four different days. Council Member Keller absent.

Ms. Diane Menard, 3307 Vega Dr., Houston, Texas 77088 (281-847-9979) had reserved time to speak, but was not present when her name was called. Council Member Keller absent.

Ms. Deborah Elaine Allen, 8800 Gustine Ln., Houston, Texas 77078 had reserved time to speak, but was not present when her name was called. Council Member Keller absent.

Ms. Glory Udoh, 12119 Fondren Bend Dr., Houston, Texas 77071 (713-779-5690) appeared and stated that she was present to report to them an action that had been extended to her by the City Department of Health and Human Services, that she was a former employee of the Health Department and served the department for four and a half years and was rehired on July 16, 2001 into a position of a Senior Public Health Educator and on August 3, 2001 she did not receive a paycheck when other City employees got paid, that she did not concern herself in asking the reason why, but was told that she would get a paycheck on August 10, 2001, that on August 10, 2001 when she went to the 7th floor of the Health and Human Services to ask for her check at 3:15 p.m. she was told that a check was not available, that at 4:45 p.m. she went upstairs and was told to come back, and at exactly about 5:10 p.m. on August 10, 2001 she was given her paycheck by a gentleman she did not know and he told her that her assignment was over, that when she asked to sign for the check she was told she was a temporary employee and was asked to leave, that on Saturday she made a phone call to her supervisor and asked if she was aware of what was happening and she said she was not aware of what was going on,

that she went back to the City on Monday, August 13, 2001 at 7:50 a.m. to go in and again find out what happened and to turn in her badge, that when she got to the building there was a note at the security that she should not be allowed into the building, that she then asked what was the crime she had committed and two ladies came to her and threatened her with police action, that she was simply present as a citizen and someone who had lived in the City for 20 years and was very committed to public health to present to them the injustice that she deemed had been extended towards her.

Mayor Brown asked if it was a personnel action that she was involved in with the City and Ms. Udoh stated that she was not even aware of what kind of action it was, that no one in the City Health Department had been able to give her an explanation and she would like for someone to give her an explanation, that no one had spoken to her about her employment, and Mayor Brown stated that someone would meet with her because it was a personnel matter and he had certain information which was not appropriate to talk about in public, that he would have someone talk to her about her concerns.

Council Member Goldberg stated that he had received her e-mails to his office, and one of his Council aides had left her a message, that he would try to help her as much as possible, and asked if her job was temporary, and Ms. Udoh stated that the last job for July 16, 2001 was a temporary assignment, that she had worked with the Temporary Services Division from September through November and that was the only temporary job that she had, that this particular position she was told was a City temporary position because they were not contracting it out to an outside agency, that she was a fulltime Public Health Advisor with the City of Houston from April 1991 through September 1995, and Mayor Brown stated that Ms. Gloria Moreno, Health Department, would meet with her and answer any questions she might have.

Council Member Boney stated that he noticed by the statement that she had passed out that she was a very devout religious person and asked if in the course of her work share her faith tradition with either other employees or people that she was serving in her capacity as a City employee, and Ms. Udoh stated yes, that she believed in who she was and in her faith, and Council Member Boney stated that as a public official or City employee they had to be somewhat careful that in their role and responsibility in providing a service.

Mr. Jacob Padillo, 7418 Alderson, Houston, Texas 77020 (281-963-0027) appeared and stated he was present regarding speed humps, that he had been trying for four years, that he had letters that dated back to 1979, one from Gracie Saenz and another from Council Member Vasquez's office, that his office worked real hard but told him to wait 60 days before he heard anything, that he had gone through the process four years ago and had gone to the meeting at the Council Chamber and the one at the George R. Brown Convention Center to revise the policy for the speed humps, that they were denied the first time they tried but he did not give up, because he heard all the negative and positive, that he asked why did they not come up with a recycling program and the ones they did not want on their streets to bring them to his neighborhood, that it seemed that it was the neighborhoods on the outside of the loop who did not want them and the inner city were the ones who needed them, that they did not have curbs and gutters and it was hard to make the people understand that they could pay a little to have something nice when they were paying for everything else as it was, so they had ditches, that their streets should be safe for their kids and he felt that the speed humps would slow down a vehicle, that he was talking about three streets, Alderson, Brownsville and Laredo, two of the streets circled an elementary school, where four years ago a little girl was hit, that he brought all the paperwork, police report, hospital bills that the mother gave him and a certified letter and they were going to work on it, that he thought that since there were so many things being said at that time that schools were going to be a priority and then they told him that they were not going to be a priority, that he then found out that in some neighborhoods in the southwest part of town there

were speed humps near an elementary that were not supposed to happen but they did happen, that they had a water park, thanks to the Mayor and Council Member Vasquez, and that was the fastest he had ever seen something take place, it was like overnight, and now they were still concerned about the speed humps around the school, that it was safety and their children came first, that he faxed a new request form for the same three streets and he received a letter stating that they did receive them and then he received a letter that they did not receive one on Alderson so he called concerned and complained, that they had been waiting for years and asked that they do something for their neighborhood and for their kids.

Mayor Brown stated that Mr. Wes Johnson would meet with him and answer his questions.

Council Member Keller asked what had been the correspondence with the school board trustee for his area, and Mr. Padilla stated that he had worked with the principal at Trident Elementary School.

Mr. Lee L. Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and stated that he was present to make a speech to the Mayor and City Council and the topic was Retrieve, that it was in reference to him and he was present to retrieve recorded debriefings of crimes and criminals of his military intelligence criminology study in Houston, Texas and other cities that the Mayor, Lee P. Brown, was protecting for him, and Mr. Mercer continued reciting his speech until his time expired. Council Member Tatro absent.

Mr. Dwight Bolton, 115 Sorrento, Sugarland, Texas 77478 (281-242-3714) had reserved time to speak, but was not present when his name was called. Council Member Todd absent.

Mr. Thomas A. Bazan, P.O. Box 2786, Houston, Texas 77252 (713-446-4477) appeared and stated that he was present to speak for about the ninth or tenth time requesting that the City consider and adopt a lead base paint ordinance for residential structures built before 1978, that it was very sad that many children were exposed on a daily basis where their families had purchased homes, especially through a first time home buyer program, where it seemed that many homes had bogus certifications that there were no hazards, that today he spent about 90 minutes at a U.S. Representative's office where there was a grandmother of a child who had been found to be poisoned when they purchased a home through that program, that this situation should not have occurred and since the Mayor had been here for three and a half years his administration had refused to enforce a contract provision that required proper lead base paint inspections, that the Texas Department of Health had found numerous reports that were generated for lead base paint that had been deficient and even recently again with the contractor that administered the program for the City, that he thought without a lead base paint ordinance they were going to continue to have problems and with this program people were more concerned with closing the transactions than being concerned with the families that were residing in these dwellings and that were having more children poisoned and the Health Department would not release the information, that the number did not grow because when the children turned 7 years of age they dropped off the list, and he asked the Mayor to do what he could to prompt his administration and would hope that someone other than himself would bring this to their attention that there was a problem out there and it was just being ignored. Council Member Todd absent.

Mr. E. J. Juneau, 10010 Sussex, Houston, Texas 77041 (713-462-1997) appeared and stated that he had done pretty much what he could with this particular situation, that he had the Northwest Community Substation involved, Council Member Tatro and the civic club, that it was basically a plea for any additional help, that he had problems with the neighbors and their bass systems for the last two and a half years from the homes and automobiles, that at that particular address there was a lot of traffic in and out, different cars, and did not know if they were installing

radio systems, that he had a lot of medical problems and his mom was elderly and they had a lot of elderly people in the community, that he was basically asking for some consideration and some peace and quite, that he really wanted to thank the Houston Police Department because he had been able to get the piece and quiet, that if did not last long but they had been able to provide it, that he had called them over the years several times and they had come out with great attitudes and talked to the people, that he had one officer come into the house to see exactly what was going on with the reverberations from the music and he even came back the next week to see if it was any better, that he was really impressed and wanted to commend the police department, that he was begging for any additional help that they could do. Council Member Todd absent.

Mayor Brown stated that Assistant Chief Wong to meet with him and he would take it back to the police department and whoever was responsible for the district to see what needed to be done to comply with his request for help, and Mr. Juneau stated that he had a letter for the Council which was being passed out. Council Member Galloway and Todd absent.

Upon questions by Council Member Tatro, Council Member Parker stated that they passed the main ordinance out of the committee and there was a piece dealing with dumpsters that was still being tinkered with and she was getting pretty close to asking that the administration bring the main ordinance forward and leave the dumpsters, and Council Member Tatro stated that the new noise ordinance would help them put more teeth in enforcing some of the bass vibration sounds he was hearing. Council Member Galloway, Todd and Sanchez absent.

Council Member Boney stated that they were looking for another tool other than the noise meter and asked what they ultimately came up with, and Council Member Parker stated that it essentially came down to officer discretion when dealing with bass sounds, that they left the sound meter for higher tones; and Council Member Boney asked if there was any way they could split the issues between that and the dumpsters, and Council Member Parker stated that they could, that it was felt that since it was a noise issue with the dumpsters that they ought to bring them together, that the only part of the noise ordinance dealing with the dumpsters had to do with a potential prohibition on emptying dumpsters that were adjacent to a residence at night, between 10:00 p.m. and 7:00 a.m., that it was a huge neighborhood issue and they were trying to deal with it as part of the sound ordinance. Council Member Galloway, Todd and Sanchez absent.

Ms. Emily Nghiem, 9039 Katy Freeway, No. 302, Houston, Texas 77024 (713-465-0522) appeared and stated that she was a volunteer teacher and activist in the historical community, the Fourth Ward, that in her work she had come across numerous conflicts of interests where City officials and board members gave into public pressure and the pressure of property developers corporate interests instead of listening to what the community wanted, that she had been fighting this for a number of years and had not come up with a way to guarantee equal legal resources for the individual citizens that were up against these corporate interests, that recently she read in the newspaper about a code of conduct for City employees that was being drafted and she would like to recommend that they include the Code of Ethics for government service within that Code of Conduct as well as resources for mediation to assist when there were conflicts of interest the public officials were not pressured to do the wrong thing just because of fear of losing their office or fear of lawsuits by corporate powers, that she wrote a letter to the Legal Department and wanted to give the Council Members a copy and was having it passed out and had also faxed it to the Mayor's office. Council Member Galloway, Todd and Sanchez absent.

Council Member Goldberg asked if Ms. Nghiem had a chance to look at the document that was drafted by Connie Acosta, and Ms. Nghiem stated that she had called to find out and had not

gotten an answer yet, and Council Member Goldberg stated that if she had a chance to look at it he would be interested in her input and the changes she would make. Council Member Galloway, Todd and Sanchez absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he wanted to second that motion because Ms. Emily Nghiem knew what she was talking about, that she was a Leo and a leader and he thought she needed to run for one of the City Council positions, that his website address was www.galvan.org, that he wanted to keep the revolution going and wanted to galvanize for the revolution, that it was real interesting seeing Council Member Robinson today because he was hardly ever there, that he thought he needed an opponent and thought they all needed an opponent, that he wanted to keep Spate's revolution going, not only in the name of Elizabeth Spates, but in the name of his mother, Gilberta Galvan, in the name of Javier Pulido, that he wanted to galvanize to legalize same sex marriages all over the globe, that in the City of Houston he agreed that same sex benefits should be given to all spouses, that he thought Council Member Sanchez was having problems communicating this ideas to the Latino community, like Council Member Vasquez said. Council Member Galloway and Sanchez absent.

Preacher Joe, 301 W. Parker, Houston, Texas 77076 (1-800-971-9185) had reserved time to speak, but was not present when his name was called. Council Member Galloway and Sanchez absent.

Mr. Mark Smith, P.O. Box 896, Bellaire, Texas 77402 appeared and stated that he was present last week, that he asked Lynwood Johnson, President of the Allen Parkway Village Residents Council to fax him a letter, that it was something that he mentioned to him was sent to the Executive and Deputy Director's of the Housing Authority of the City of Houston concerning the lights at the Irvington Village Apartments, that those lights were vandalized, the bases of light poles left open where children could be electrocuted by putting their hands on electric wires, that he recommended correcting this Housing Code violation yet the Housing Authority had not corrected it, that the letter was supposed to have been Xeroxed to the Mayor and looked into. Council Member Galloway and Sanchez absent.

Mayor Brown stated that they would follow up on it. Council Member Galloway and Sanchez absent.

Mr. Trent Winters, 7967 W. Airport Blvd., Houston, Texas 77071 (713-781-2260) appeared and stated to Council Member Boney to tell his people good try but it did not work, that he saw on his paperwork that he did some traveling to California last year around the same time he was paying Lamont Nash all that money to talk about a computer, and asked why did he have to go to California, did he want to see the computer that he paid over \$22,000 to talk about, that the reason that he did what he did to Council Member Boney was that 10 years ago he followed him and was part of the Black United Front and he taught them then that if a person sold out do whatever they had to, to expose them for what they were, that unfortunately he was the one he had to do it to, that it was nothing personal. Council Member Galloway and Sanchez absent.

At 2:51 p.m. upon motion by Council Member Parker and seconded by Council Member Ellis, City Council recessed until 9:00 a.m., Wednesday, August 22, 2001. Council Members Vasquez and Castillo absent on personal business. Council Member Gordon Quan out of the city on personal business. Council Members Galloway and Sanchez absent.

City Council Chamber, City Hall, Wednesday, August 22, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, August 22, 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, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Al Haines, Chief Financial Officer, Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Council Member Gordon Quan out of the city on personal business.

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

MAYOR'S REPORT

At 9:10 Mayor Brown reconvened the meeting of the City Council and stated that as he had done in recent weeks he was going to take a few moments to give a brief overview of where they were in the storm recovery, that he wanted to reiterate what he had stated on previous occasions, that he really appreciated the State granting an extension for a Fast Track Buyout Program, that the assistance, guidance and cooperation provided to the City on the part of all participating agencies had been indispensable to their efforts to work on behalf of the victims, that the City of Houston had completed its Fast Track submission to Harris County Flood Control District who was managing the buyout program for both the City as well as the unincorporated area in Harris County, that the Harris County Flood Control was in turn making the application to the State, that Harris County Flood Control would finalize this Fast Track application sometime today, that the State would either accept or reject the properties submitted and then property owners would be advised of that determination, that properties accepted for buyout could then proceed to appraisal and then ultimately purchase, that they would be issuing letters within the next few weeks to those City of Houston residents, who were submitted to Harris County Flood Control as having substantial damage, at least 50% above market value, and therefore included in the application to the State, that the letters would outline the property owner's current options and steps to proceed, that with this stage of the process complete the flood recovery task force was preparing their neighborhood redevelopment strategy, that this was the critical component of the recovery process, making certain that they preserve the integrity of the neighborhoods, that in this capacity they were profiling damage concentrations, prioritizing, assessing their options and working through those options with the neighborhoods and would continue to do so as they develop their go forward with their plans, that they welcomed their input particularly the district expertise from district Council Members, that they had a responsibility to take a critical look at the situation in conjunction with their floodplain management objectives and work with the neighborhoods to make the best decisions possible to not only restore their neighborhoods but also to make them better, that to please remember this was a long difficult process for all of those affected and would take some time to work through the issues, that for example, there were still a number of homeowners who had not yet begun the recovery process, that some were seniors or those with disabilities or for whatever reasons did not know how or have the means to proceed, that they were taking steps to address those hardships through the flood recovery task force, but in order to help they needed to know where the needs were, that if anyone was aware of a situation like this to please contact Mr. Haines, who would be working through the Adopt-A-Family Program and local volunteer organizations to address these situations to ensure they were taking advantage of all the assistance and services that were available, that he wanted to stress the fact that this was a long term process and there were still a lot of people in need of assistance and he felt it was their obligation to do everything they could and not rest until every family was taken care of. Council Member Boney absent.

Council Member Robinson stated that he received a call from Constable Wooten who said there was some heavy trash and he assumed it was some of the late stuff coming out in the Sunnyside area and he asked if they could take a look at giving them some help to getting that out for them, and Mayor Brown stated that he would have Mr. Buchanan call him and get the exact locations.

Council Member Goldberg moved to suspend the rules to consider Item Numbers 31, 28, 34 and 35 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0934 ADOPTED.

31. ORDINANCE approving and authorizing Public Improvement Development Agreements between the City of Houston, Texas; **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (Lake Houston Zone); AMVEST PROPERTIES, INC;** and **CLASSIC CONTRACTORS OF HOUSTON, INC** for the Design, Construction and Acquisition of certain public improvements and for certain other project costs in the Lake Houston Zone; providing for the reimbursement of previously expended or committed project costs - **DISTRICT E – TODD** - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0775 ADOPTED.
28. ORDINANCE approving and authorizing agreement between the City of Houston and **KIPP, INC** to provide \$500,000.00 in Community Development Block Grant Funds to pay Pre-construction costs related to the construction and operation of a Charter School (Kipp Academy) - **DISTRICT F– ELLIS** – was presented, and tagged by Council Member Parker. Council Member Ellis absent.
34. 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** – (This was Item 25 on Agenda of August 15, 2001, TAGGED BY COUNCIL MEMBERS ELLIS, SANCHEZ, QUAN, TATRO and KELLER) - was presented. Council Member Tatro voting no, balance voting aye. Council Member Quan out of the city on personal business. Council Member Ellis absent. ORDINANCE 2001-0776 ADOPTED.
35. 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 – (This was Item 25-1 on Agenda of August 15, 2001, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0777 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 33

MISCELLANEOUS - NUMBERS 1 through 3A

1. RECOMMENDATION fom Director Finance & Administration Department for renewal of membership in the **NATIONAL LEAGUE OF CITIES** - \$30,880.00 - General Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Castillo. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0935 ADOPTED.

3. Omitted

ACCEPT WORK - NUMBERS 4 and 5

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$375,354.08 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION, INC** for Construction of the Neighborhoods to Standard Tier VI, Montie Beach (Brooksmith) Overlay Project, GFS Q-1144-01-3 (244-99/Q-1144) - 10.98% under the original contract amount - Street & Bridge Construction Fund - **DISTRICT H - VASQUEZ** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0936 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,721,905.10 and acceptance of work on contract with **INDUSTRIAL TX CORP.**, for Southeast and Metro Central Wastewater Treatment Plant Lift Station Replacements, GFS R-0267-32-3 (4275-20) - 01.51% over the original contract amount - Enterprise Fund **DISTRICT E - TODD** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0937 ADOPTED.

PROPERTY - NUMBERS 7 and 7A

7. ORDINANCE appropriating \$13,897.00 out of Airport System Subordinate Lien Revenue Bond Fund (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled as City of Houston v. Gill Clay & Melissa Clay, et al., to acquire Parcel Number EY1-016, for the Runway 8L Expansion Project at Bush Intercontinental Airport; GFS/CIP A-0024 - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0778 ADOPTED.
- 7a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City v. Gill Clay & Melissa Clay, et al., Cause No. 742,152; for acquisition of Parcel EY1-016 for the **RUNWAY 8L EXPANSION PROJECT at Bush Intercontinental Airport**, GFS/CIP A-0024 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0938 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 15

8. **MORGAN BUILDINGS AND SPAS, INC** to Furnish and Install Modular Classroom/Shower/Locker Buildings for Fire Department - \$150,890.85 – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0939 ADOPTED.
9. **VARIAN, INC** for Gas Chromatographs/Mass Spectrometers for Health & Human Services Department - \$188,420.82 - Grant Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council

Member Quan out of the city on personal business. MOTION 2001-0940 ADOPTED.

10. **LACHAT INSTRUMENTS** to Furnish and Install a Flow Injection Analysis System for Health & Human Services Department - \$55,861.00 - Grant and Health Special Revenue Funds – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0941 ADOPTED.
11. **BOYER, INC** for One Emergency Generator Set for Health & Human Services Department \$136,585.00 and contingencies for a total amount not to exceed \$143,414.25 - Public Health Consolidated Construction Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0942 ADOPTED.
12. **ADA RESOURCES, INC** for Fuel, Aviation Gasoline and Turbine Fuel for Police Department \$982,350.00 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0943 ADOPTED.
13. ORDINANCE appropriating \$623,700.00 out of Water & Sewer System Consolidated Construction Fund for Painting and Protective Coatings for Potable Water Piping for the Public Works & Engineering Department, CIP S-1000-N12 - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0779 ADOPTED.
- 13a. **J & N INTERNATIONAL COATINGS, INC** for Painting and Protective Coatings for Potable Water Piping for Department of Public Works & Engineering - \$594,000.00 and contingencies for a total amount not to exceed \$623,700.00 – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0944 ADOPTED.
14. ORDINANCE appropriating \$130,382.70 out of Water & Sewer System Consolidated Construction Fund for Switchgear Replacement for the Public Works & Engineering Department, CIP S-1000-N2B - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0780 ADOPTED.
- 14a. **BOYER, INC** for Switchgear Replacement for Department of Public Works & Engineering \$124,174.00 and contingencies for an amount not to exceed \$130,382.70 – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0945 ADOPTED.
15. **ACT PIPE & SUPPLY** for Corrugated Polyethylene Pipe for Department of Public Works & Engineering - \$821,352.96 - General and Street & Drainage Maintenance Funds – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0946 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 22 through 32

22. ORDINANCE consenting to the addition of 78.830 acres of land to **DOWDELL PUBLIC**

UTILITY DISTRICT, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0781 ADOPTED.

23. ORDINANCE consenting to the addition of 27.389 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 106**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0782 ADOPTED.
24. ORDINANCE approving and authorizing contract cancellation agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 122** - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0783 ADOPTED.
27. Omitted
32. ORDINANCE appropriating \$2,703,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, INC** and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, INC** for 30-inch Water Line along Irvington Boulevard and West Hardy, GFS S-0900-58-3 (WA10631); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0784 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Finance & Administration Department for renewal of membership in the **UNITED STATES CONFERENCE OF MAYORS** - \$26,457.00 - General Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0947 ADOPTED.

ACCEPT WORK

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$582,702.66 and acceptance of work on contract with **PRIME CONTRACTORS, INC** for Accessibility Compliance and Renovation for Fleet Management at Renwick Site, GFS R-0521-03-3 (4291-1) - 01.87% over the original contract amount - Enterprise Fund - **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Boney, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Quan out of the city on personal business. MOTION 2001-0948 ADOPTED.

RESOLUTIONS AND ORDINANCES

16. RESOLUTION requesting financial assistance from the **TEXAS WATER DEVELOPMENT BOARD**; authorizing the submission of the application for such financial assistance; and

designating the authorized representatives for executing the application and appearing before the Board

17. ORDINANCE amending **CHAPTER 3 OF THE CODE OF ORDINANCES; HOUSTON, TEXAS**, relating to the Sale of Alcohol within the City; containing findings and other provisions relating to the foregoing subject; providing for severability - **DISTRICT I – CASTILLO** – was presented, and tagged by Council Members Ellis, Sanchez, Tatro and Keller.

Council Member Keller stated that there was a way they could probably do a finite study as to where the conflicts could possibly arise in the CBD, and if there was a known conflict if somebody would come and show it to him it would be helpful in the next week.

Council Member Boney stated that they had discussed this item and recommended it for Council action and a week would not hurt them on the delay and thought that Mr. Tollett and his staff could answer any questions.

18. ORDINANCE amending the **BUILDING CODE OF THE CITY OF HOUSTON, TEXAS**; containing other provisions relating to the foregoing subject; providing for severability

Council Member Bell stated that he just wanted to point out that he strongly favored this particular ordinance and wanted to commend the Anderson family, who had appeared before Council a couple of years ago and whose son, Skooter, was the individual who's case was dealt with again and they may have read about it again, that he was the youngster who had three toes amputated in an escalator accident, that instead of just letting it reside in court the Anderson's became advocates both locally and nationally for this type of change to be made, that he also wanted to thank Mr. Melvin Embry for being so responsive in working with the building associations to reach what was basically a compromise and allowed ample time for them to make this change and would allow this safety device on all new escalators in the City and would make for much safer buildings across Houston.

A vote was called on Item No. 18. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0785 ADOPTED.

19. ORDINANCE authorizing the issuance of City of Houston, Texas, Airport System Subordinate Lien Revenue Refunding Bonds, Series 2001A; authorizing the Mayor and City Controller to approve the amount, the interest rate, price, and terms thereof and certain other procedures and provisions relating thereto; providing for the payment thereof; awarding the sale of the bonds; authorizing the redemption and refunding of certain outstanding bonds; appropriating sufficient funds to effect such redemption; authorizing the purchase of Bond Insurance; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; authorizing other matters pertaining and incidental to the redemption of the Bonds; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0786 ADOPTED.
20. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2000-660 by adding seven (7) Fire Alarm Dispatcher Positions and by adding two (2) Assistant Arson Investigator Positions; substituting the amended Exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0787 ADOPTED.

21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot wide sanitary sewer easement containing 1,228 square feet (0.29 acre) of land, being located in Lots 1 and 2, Block 3, Replat of Castle Court Addition, O. Smith Survey, A-696, Harris County, Texas; vacating and abandoning said tract of land to Katz Real Estate, L.P., the abutting owner, in consideration of owner's payment of \$12,280.00 and other consideration to the City - **DISTRICT D - BONEY** - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0788 ADOPTED.
25. ORDINANCE approving and authorizing a TNRCC Federally Funded Grant Agreement between the City and the **TEXAS NATURAL RESOURCE CONSERVATION COMMISSION** for the City's Air Pollution Control Program - 2 Years - \$776,854.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0789 ADOPTED.
26. ORDINANCE approving and authorizing the submission of the Immunization; Bureau of Nutritional Services ("WIC"); Tuberculosis; Women and Children, Title V, Parts A & B; Bureau of Clinical and Nutrition Services, Title XX; and Bureau of Regional/Local Health Operations, Program Plans and 2001-2002 Budgets to the Texas Department of Health (TDH Contract No. 7460011640-02); authorizing the Director of the Health and Human Services Department to accept related applicable contract change notices and to accept any supplemental change notices during the grant period; declaring the City's eligibility for such grants; authorizing the use of interim funding from the General Fund, not to exceed 15% of the requested level of funding for the WIC Program, and declaring intent to reimburse the General Fund from proceeds received from the Texas Department of Health for the WIC Program; authorizing the Director of the Health and Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - \$13,512,521.00 - General and Grant Funds - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0790 ADOPTED.
29. ORDINANCE approving and authorizing agreement between the City of Houston and **6414, LTD.** to provide a loan of Federal Home Funds in the amount of \$500,000.00 to finance a portion of the costs to acquire and rehabilitate a 73-unit apartment building at 6414 Alder to house low and very low income residents - **DISTRICT F - ELLIS** - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0791 ADOPTED.
30. ORDINANCE approving and authorizing contract between the City and **KNUDSON AND ASSOCIATES** to conduct an Independent Evaluation of Phase I of the Main Street Corridor Revitalization Project; providing a maximum contract amount - \$88,000.00 - Grant Fund **DISTRICTS C - GOLDBERG; D - BONEY; H - VASQUEZ and I - CASTILLO** - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0792 ADOPTED.
33. ORDINANCE appropriating \$137,414.01 out of General Improvement Consolidated Construction Fund, and \$62,421.49 from the Park Capital Project Fund, and awarding construction contract to **TEJAS MECHANICAL, INC** and approving and authorizing professional services contract for engineering testing services with **HVJ ASSOCIATES, INC** for Construction of Houston Zoological Gardens - HVAC Replacement at Three Buildings and Renovation of Five Roofs, GFS F-0364-02-3; providing funding for

construction management and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund and the Park Capital Project Fund - **DISTRICT D - BONEY** - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0793 ADOPTED.

MATTERS HELD - NUMBERS 34 through 41A

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 **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 – (**This was Item 32 on Agenda of August 15, 2001, TAGGED BY COUNCIL MEMBERS KELLER and TATRO**) - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0794 ADOPTED.
37. 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 – (**This was Item 33 on Agenda of August 15, 2001, TAGGED BY COUNCIL MEMBERS KELLER and TATRO**) - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0795 ADOPTED.
38. 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 – (**This was Item 34 on Agenda of August 15, 2001, TAGGED BY COUNCIL MEMBERS KELLER and TATRO**) - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0796 ADOPTED.
39. 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 – (**This was Item 35 on Agenda of August 15, 2001, TAGGED BY COUNCIL MEMBERS KELLER and TATRO**) - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0797 ADOPTED.
40. 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 – (**This was Item 36 on Agenda of August 15, 2001, TAGGED BY COUNCIL MEMBERS KELLER and TATRO**) - was presented. All voting aye. Nays none. Council Member Quan out of the city on personal business. ORDINANCE 2001-0798 ADOPTED.

41. Written Motion by Council Member Bell to amend Item 41a below to provide revised language for Section 18-38 (c) relating to Coordinated Campaign Expenditures - **TAGGED BY COUNCIL MEMBERS SANCHEZ and TATRO** – was presented. Council Member Tatro voting no, balance voting aye. Council Member Quan out of the city on personal business. Council Member Sanchez absent. MOTION 2001-0949 ADOPTED.
- 41a. 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 43A on Agenda of August 15, 2001, POSTPONED BY MOTION #2001-911, 8/15/01)** - was presented as amended. Council Members Ellis, Tatro and Keller voting no, balance voting aye. Council Member Quan out of the city on personal business. Council Member Sanchez absent. ORDINANCE 2001-0799 ADOPTED AS AMENDED.

Council Member Boney stated that he wanted to commend Council Member Bell for working with the Legal Department administration for this ordinance, that he thought it was good because it required disclosure of those persons who wanted to contribute to various candidates and it was his hope that a similar ordinance could be crafted regarding issues, and Council Member Bell had agreed to work with him on that.

Council Member Bell stated that he very much appreciated the support for the ordinance and thought it closed an important loophole, that the discussion at the table had been healthy and they certainly tried to address the concerns that were raised about it, but he thought it would make for level playing field as they went forward and the Ethics Committee would take up the concerns that Council Member Boney raised about the issue oriented campaign.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Keller stated that for the last two months, his office had worked with several other departments on 417-D, a construction project at Hobby; that it could be extrapolated into other projects, that it really got their attention when they felt that a certain minority MWBE contractor went around them to their subcontractor, and at that point we did an open records request, that he would be asking for the Mayor and the administration to use their authority to force compliance of the contractor, to force compliance to the original bid documents that were amended on their benefit, and the specifications that went out for bid, what the taxpayers were paying for, what they had given was not what they were paying for, not even close, and he was going to ask for the administration to force them to comply on behalf of the taxpayers, on behalf of Southwest Airlines, on behalf of the customers of Southwest Airlines; that simply what they had was a box called an airport, and they had energy coming in and energy going out and what they had was more energy burning up going in for more money; that they had less efficiency inside the box, less quality, and then they had more toxic gases, that it was well over a million pounds more than federal standards coming out of the box, so what they were getting was something that took longer, cost more, was less efficient, less quality, and at the end result had more pollution.

Council Member Keller further stated that they hired Brown & Root to be the consultants, they hired them to look out for the City's best interests, and they were the ones that brought to our attention the numerous disqualifications and reasons for the this to fail, that three times the submittal to substitute equipment was denied, and this was just one of the denials, that he could sit there forever and tell them the reasons why: money, energy, waste, time; that what it came down to was Brown & Root got involved, that LAN got the letter and send a letter to the airport system saying -- no, and said to the contractor that they follow these 13 and if they could get these 13 it was still not right because they were still not following the documents, what was

stamped, what was authorized, what was originally paid for by the Citizens of Houston and approved by the City Council, that in any event, they were given another chance if they followed those 13 exceptions or problems, that they had still spent the money, buying the equipment, and their own airport system, who had Brown & Root and LAN working for them, that why did they need them if they were not going to listen to them, if they were going to give their advice three times to say don't do it, don't do it, don't do it, and then the City still writes a letter that overrides it and says, well, go ahead and do it, that why did they spend the millions of dollars on the consultants if they were not going to listen to them at all in those situations, that then a member of the Houston Airport System wrote a letter and said if they adhered to these eight conditions, then they were directed to proceed with the procurement of the York chiller package, and they proceeded with the procurement of the package, but they forgot to adhere to any of the conditions, and they want to negotiate with the other ones, Council Member Keller further stated he found it unusual that they had ever even allowed contractors to just make substitutions that were not approved and in this situation, which was very alarming, and by the way none of this was still even approved, that the stamped and sealed drawings by a professional engineer were due on April 30th and they still did not have them, that several weeks ago revised drawings were presented, but without a stamp as required by the April 10th letter; that what was serious about this was that there were requirements outlined by the Texas Board of Professional Engineers to cover this kind of situation, the redesign of another professional engineer's drawing from information available today, these requirements have not been met and that was State law 131.52, that any work altered, completed, corrected, revised or added to shall have a seal affixed by a second engineer, that the second engineer then became responsible; that he was going to ask for action and a little more time by the fellow council members, and Mayor Brown stated that they would have someone meet with him and respond.

Council Member Boney stated that there was a need for a traffic signal at 1500 Binz and Crawford, that this location of the Children's Museum was in his district, that there had been several accidents and he understand some of them were fatal, that this was originally requested at a District B meeting back in February or March, by the museum director, that they did have a lot of children, very, very small children who visit that museum and take advantage of that resource, that he would like the Traffic Department to expedite looking at that and see if they could get that done, and yielded some time to Council Member Keller.

Council Member Keller stated that it was hard to get a lot of this, that they had spent a couple of months on it and package it in this format and he appreciated Council Member Boney allowing him the additional time, but he did feel that it was incumbent upon them, since they were elected by the people, to watch out for the people, that nobody was losing sleep over this inefficiency, that the contractor just wanted to build it, but for less than it had to and then get out, that the consultants wanted to keep doing business with the city and they wanted to do their job and point out what they had pointed out, that they could mess with the lights or the ceiling tiles but when they started messing with air conditioning systems, it was \$9 million, that it was guts of the system, that this city would not be this city if it was not for the poor and it was not for the industrialization on an economic scale of air conditioning; so imagine, why go straight to the HVAC component of these projects and start trying to skim it there with less efficiency, that what was ironic was that almost on the same day he found out some of this, they formed a coalition, an environmental energy coalition that the Chronicle had reported on and they were putting out 991 pounds per year more of carbon dioxide with this system, that they were putting out 1.2 million grams more a year of sulfur dioxide and were putting 1.4 million grams per year of nitrous oxide, which increases global warming, acid rain, all of this is in violation of the federal standards, that it was over what they were allowed to have come out of their equipment and he thought it was ironic that the City would do that when they enforce everybody else to adhere, yet they were building turn and burn at the airport and still did not have them approved or stamped and actually did not have anybody accepting liability for this equipment, that there was no

acceptance for the design or for the equipment to this date, not to mention how far overrun it was.

Council Member Parker asked Council Member Keller if he was accusing either an airport contractor or aviation officials of fraud, or was he accusing them of lack of oversight, and Council Member Keller stated that at best case, they were not adhering to engineering and construction practices, and at worst case, there was criminal activity, that the best case was that it was just sloppy and the worst case was that somebody found out because there was no explanation as to why they would allow this to go on, that why did these changes need to be done, when it was proven by their own consultants that they did not meet specifications, that it proven by test and by their records, and they worked on the City's behalf, but yet they overrode them and continued to do it and he thought that the cost was going to be from their own engineer, that just at the start it was \$54,000 more a year for 30 years, that it was going to increase per year over those 30 years so he thought that was going to come into around a \$3 million number.

Council Member Boney asked Council Member Keller if he had the opportunity to meet with Building Services and Aviation together and focus on this issue, and Council Member Keller stated that was a good question, that the Mayor had been helpful, that he had copied Mr. Hall on it and had met with Mr. Eric Potts, Sally Bradford and a couple of their employees, that he thought sometimes people did not take it seriously until it actually got to this point, that the administration was not responsible for auditing, that they had to depend on their consultants to help, that he tried to fix it in-house and tried to fix it as a family, and there was no explanation as to when they had bids and they went out, the documents were sealed and everybody signed off and then there was an addendum and then what they got back was not even close, and Council Member Boney stated that to let him do what small part he might do to encourage some more further discussion with him and see if there could be a resolution, and Mayor Brown stated he would make sure they started looking at it.

Council Member Sanchez stated that last week he pointed out the contractor that had left Shepherd Road between Richmond Avenue and West Gray in the condition that was essentially useless for drivers and as he drove through yesterday he noticed, as Mr. Rolan had said, the contractor was out and had re-graded the pavement and refinished the street, that he would invite anybody to drive it now, and that should have been the condition in which the street was done to begin with, that he did not know why contractors believed they could get away with shoddy work and then had to be brought back after somebody pointed it out, that the same condition exists on Stella Link, that he would like to get a briefing on what was going on at Stella Link, that there were two issues, number one there seemed to be very little oversight as to these utility companies' duration on the particular site as he had told them over the course of the last month and a half, a utility had blocked off lanes for months at a time, with long periods of no work in there, and then when they were coming in and working on it they tear up the street and yesterday it was filled with tar instead of going seam to seam for the reconstruction of that particular section, so he would still like to get an update and urged the Mayor to bring about whatever changes were necessary to get the Department of Public Works and Engineering to get the contractors to do it right to begin with, rather than having to undertake the expense of having to come back after months of blocked lanes, useless lanes, barrels and continued congestion problems, that he was asking for was an update on the status of the roads that he had been keeping up with, and Mayor Brown stated that they would make sure that it would take place. Council Member Castillo absent.

Council Member Parker stated that she and Council Member Ellis had the opportunity to participate in a golf tournament for City employees last Friday, that she actually didn't play in the tournament, that she was not a golfer, Ellis was, but they did have an opportunity to play by handing out the awards, one of the things she wanted to do and neglected to do that day was to

thank Linda Williams who coordinated it, that it was an official activity of the Wellness Council that was designed to promote healthy activities among City employees, that they coordinated blood drives, the health fair and had sports day in the fall, that for some reason they moved the golfing portion of sports day to probably the hottest day of the year, but they did not have any injuries and it was a pleasant day, that she wanted to thank the employee Wellness Council for their work and particularly Linda Williams for all the coordination she does on those activities year round. Council Members Vasquez and Castillo absent.

Council Member Parker stated that she read in the paper yesterday about the new e-mail service that was a pilot project at several city libraries and was surprised to hear it first in the newspaper, but would like to encourage the administration to brief council on the particulars of the project and would hope that it could be scheduled at a TTI Committee meeting in the future. Council Member Vasquez absent.

Council Member Parker stated that she wanted to thank the comets for a great season and congratulate them on being the only champion that the WNBA had known, that they had a great run and they saluted them for their activities. Council Members Vasquez and Sanchez absent.

Council Member Castillo stated that he wanted to thank the administration for working with the Building Services Department and his office to remedy some of the items still to be finished at the Denver Harbor Multi Service Center and hopefully they would have the building ready to accept in the next few weeks. Council Members Vasquez and Sanchez absent.

Council Member Castillo stated that he would like to point out another version of the same gripe, and that was the congestion on the downtown streets, that he knew it was a coordination problem and knew people were working on it, that last night as he was going home, he went down Texas Avenue and the access on Texas from downtown across Fannin was down to one lane because the new hotel had blocked off two lanes and there was a utility contractor taking the lane adjacent to the church, that he guessed most of all it was a new street and they had utility companies already cutting into it, so he hoped they had a permit, and Mayor Brown stated that Mr. Haines was in charge of the task force and would look into it. Council Members Vasquez and Sanchez absent.

Council Member Bell stated that he wanted to commend Council Member Vasquez for his health and education fair that he sponsored of last weekend, that it was a chance for parents to learn more about how they could help their kids succeed during this new school year and for the kids to get shots, that the turnout was incredible and there was a line throughout Northline mall for most of the day, so congratulations to him for a very successful fair. Council Members Vasquez and Sanchez absent.

Council Member Bell stated that Council Member Keller had laid out a lot of information and he was trying to pick some of the main items because he believed in the letter that Council Member Keller was reading from Brown & Root there was a reference to a \$41 million or \$42 million over budget or cost overrun over two years, and he was curious if he could go back over that and maybe explain what kind of response he had gotten in terms of trying to find out why all of this was happening, and yielded the rest of his time to Council Member Keller.

Council Member Keller stated that the explanations he received were not really acceptable, that if they adhered to the original contract documents, bid specifications and documents, then most likely it would probably be on time, because some of the delay happened before the flood, but since they had the bad weather that had become a major reason, that the bottom line was they were not getting what they paid for and when something was not done with efficiency and execution then it was going to take longer, that he not gotten an itemization as to the \$41 million

budget increase, to specifically answer that question, and asked if he could have some more time and Council Member Bell yielded the balance of his time. Council Members Vasquez, Parker and Sanchez absent.

Council Member Keller stated that one of the main worries that he had with this was, number one, that an employee would override the recommendation of the two consultants, and then demand that the contractor go forward with this, which he found curious, but the second main condition for them to go forward was that the subcontractors would be responsible for all electrical, piping, bulkheads, plumbing, controls and incidentals affected and would provide sealed design drawings performed by an acceptable engineering firm or individual engineer registered in Texas, that they should also be responsible for additional design services provided by the A&E and that was just one of the eight, that they went ahead and ordered the stuff, that they did it, but there still was not any liability, that the drawings were not stamped and nobody had accepted responsibility for the equipment, which was one of the conditions that they must adhere to in order to go forward, that one of their answers, when he met with the attorneys for Morganti, was that they still planned on going back and adhering to those, but that was not how it worked, that they do first things first and then go ahead and order the stuff and go forward, that they do not build something and then do the drawings to it, that it was unbelievable, that this same employee, back in July on another change order, which was a \$50,000 redesign for ME drawings used this in his letter, "there are numerous small changes that will continue to occur and need to be included in the scope of the contract", "that most of them are minor changes required for progress of the project notable are changes from mechanical revisions" that a lot of minor things add up to a big thing, but if they adhered to the original drawings, then they did not need to take \$50,000 and \$200,000 dollar hits on mechanical engineering redraws, that if they just used the original bid specifications and documents that went out and were used for Federal Aviation standards nationwide, then they would not have created this kind of mess in the onset, that now more bad news was that the same exact situation that he had just portrayed existed with the air handling units and the air component, that the air handling units and the associated controls have been submitted three times also and still did not meet the specs and therefore the submittals had been rejected also, that LAN had also gone on record stating that "Morganti's submittal does not meet the specs and that they should meet the performance requirements specified. Morganti has begun to release equipment for production that has not been approved. Brown & Root has but Morganti on notice that this as well as any other delays and job completion due to noncompliance is at their own risk." That was smart on their consultant's part, but they were going to need the force of the administration in this situation to rectify the situation, that it was very simple and very solvable, that all they had to do was pick up the phone and tell them, adhere to the original documents that were amended or had an addendum to even help them adhere to it, that it was already slanted to be open for them, the original bid specifications and documents to just adhere to them, to just give the people what they paid for, that it was that simple, that the most there would be was a two-week delay and for everybody to say that it's otherwise was nonsense.

Mayor Brown suggested that they hear other matters by Council Members and he would allow Council Member Keller to use his time.

Council Member Ellis stated that Council Member Keller had raised a number of issues today, but what was the solution, had he come up with any type of solution, and yielded the balance of his time to Council Member Keller.

Council Member Keller stated that yes it was very solvable, that the administration had the authority to simply pick up the phone and tell them to adhere to the approved bid specs and construction documents that were sealed and signed by all parties and approved by City Council.

Council Member Ellis stated that basically what Council Member Keller was saying was that they were not holding up to the terms of the contract being issued and if that was the case, he would request that the administration have somebody look at each and every contract, that they might want to start examining these through some committee and the administration could come in and say whether or not they adhered with what the contractor did not, that he thought it was an incredible task that they might be taking on, but he wanted to assure that when he voted for something at the Council that the terms of each and every contract was lived up to, and if Council Member Keller was saying that was not happening then he would encourage and urge the administration to take a look at what he had to say, and Mayor Brown stated they intended to do that, that it was certainly everyone's expectation that the contracts were such that contractors adhered to the rules that were outlined, and Council Member Ellis stated that he would request that Council Member Keller submit those contracts to the administration, the ones that he saw a problem with. Council Members Vasquez, Castillo, Parker, Sanchez and Robinson absent.

Council Member Goldberg stated that yesterday he tried to call information at the City, 247-1000 and noticed the he was immediately switched to 311 and was put on hold for about 20 minutes, that luckily he put the call on speaker phone and went about his business and almost forgot about it, but about 20 minutes later someone finally answered, that he talked to his staff about it and they were having the same problem, that when they call the Public Works number, 837-0600, they were also switched to 311 and waited forever, that the other problems were that 311 was switching calls to his staff that were not related to District C and one issue was a Houston Independent School District issue and they did not handle that, that he did meet with Mr. Hollingsworth and got a very satisfactory answer, that he said they were trying to work out some bugs and it would take awhile and it was not even public knowledge that they were on line, but the wait time was just outrageous and he would like to see if there could possibly be something done to find a solution to that. Council Members Vasquez, Castillo, Parker and Sanchez absent.

Council Member Boney stated that during the flood all of their telecommunications and telephone systems at City Hall were wiped out so now they had moved that to the second floor and were reprogramming all of the phones, that they found out that a lot of numbers on the phone didn't match the codes and so forth and so on, so he thought it was not so much adjusting to the 311 System, but the fact that they were recovering from the flood and moving all of the telephone system to the second floor and reprogramming all the City Hall phones, and Council Member Goldberg stated that he thought a lot of the information that was downloaded was bad information, for example if he called to get the number for Bea Link he got Neighborhood Protection and she was no longer there, that he was very satisfied that Mr. Hollingsworth was working on it and was going to take care of the problem, and yielded the rest of his time to Council Member Keller. Council Members Vasquez, Castillo, Parker and Sanchez absent.

Council Member Keller stated that they did an open records request and copied everybody involved and then they found out that one of the consultants of the city tried to hide -- withheld information on rejections of the open records request, that they still ended up finding out all of the objections, that the bottom line was they should have stopped it back in April when they all knew this, that it was not too late to stop it, that it was certainly not too late to stop it right for another scenario of the air handling units which were supposed to be two months ago, and they could still do that today, they still could rectify that portion of it, but the issue went deeper than this one project if that was the way they were going to allow business to be done with the city day in and day out and if the City allowed this to happen, then what was the total impact in cost overrun, and Mayor Brown thanked him and stated they would make sure that the message he had given them was taken directly to the Aviation Director, that they expected him to abide by the contents of the contract. Council Members Galloway, Goldberg, Vasquez, Castillo, Sanchez and

Robinson absent.

Council Member Todd stated that he would be joining the Mayor out at Clear Lake for the opening of their new city park, that it was the first new park to be built in Clear Lake since annexation over 20 years ago and the community was very excited about it, that it definitely was the talk of the area and was going to really do a lot for the quality of life, that it was going to be kind of an interesting bitter sweet kind of gathering because those who read the business section of the Chronicle this morning or who followed the issue knew that there was a potential proposed new rail line that would go from the Bay Port industrial complex and wind through some of the municipalities in Clear Lake, that the plan was to cut this rail line adjacent to their park, that it was pretty amazing that at a time that the City of Houston was trying to invest in this part of town and increase the quality of life there was a proposal to run this train, that the train would go within a quarter mile of homes and would cross an environmentally sensitive area, Armand Bayou and would go right in between Ellington Field and City parkland, that it came at a time that the City of Houston was doing a marketing study to determine what the highest and best use for Ellington Field was and was certainly going to limit the possibilities for that land, that he was not sure if they were trying to compete for corporate relocations that corporations would be crazy about moving executive level offices right next to a rail line that by Burlington Northern's own admission would carry at least partially hazardous materials going right through it and in speaking with the legal department, the initial determination was that BNSF, even if they did not agree to sell land, which they would have to sell land at Ellington Field in order for this line to be a reality, even if they did not sell the land because they were dealing with the railway, they had the power to condemn land at the City, which was kind of shocking, that they could condemn land on City property and basically throw their plans up in the air for the area, and while they spent an incredible amount of money at the City level and the local citizens through the community associations and through the municipal utility districts had spent an incredible amount of money out there trying to add to the quality of life, that he was suggesting at this point that the City of Houston come out and have a knee jerk reaction and oppose it but he thought that they certainly needed to be engaged in the discussions on it, that approval had to come from the Surface Transportation Board and there were all sorts of implications of this and some were environmental because it crosses on a bayou and some, he would assume, were aviation related and some were safety related, that this site came within about a quarter of a mile of an existing elementary school and there were two tracts of land within a quarter of a mile that had been mentioned as possible sites for new schools, that he encouraged all his colleagues to read the business section today, that this was a story that was put in by BNSF and it clearly put a positive spin on the story, that he could assure them in Clear Lake when this debate gets going they were going to see public fervor on the level of that which they saw on the bond election for the container port, that it was going to be as hot as that this fall during which time they were already going to have political discussions flaring up because it was a political season, that it was going to be very hard for them to keep control of the issue at the City level in light of this environment, that he would encourage the administration to have the Parks, Aviation and Public Works Departments get engaged in the issue and really make a determination of whether or not this was the right location for a rail line such as this, that his comments today had been restricted to the greater Clear Lake area because it did originate close to the bay and it crossed through several other municipalities and through some unincorporated land to get through to Clear Lake City, but it also had implications for not only District E, but also for District I and B, that this line itself was going to be adding an additional freight rail line along Highway 3 which already lacked any grade separations, to his knowledge, between Clear Lake and downtown, which meant they were going to have traffic blocks at each one of those major intersections at least once a day, that he was not sure if they were only going to have one train going a day, that for \$80 million, the cost of the rail line, he would assume they were anticipating having more trains than that potentially, that that perhaps they ought to consider whether or not there is another route for this to take, that it was a huge concern, that he had a copy of the map and did

not want his comments in any way to be perceived as him not being cooperative, that it was the only map he had and they were welcome to look at it, and Mayor Brown stated that he would have Mr. Haines pull together all the relevant departments including the Law Department and see what the City's position should be on the rail, that they appreciated his comments on it and would start working on it immediately. Council Members Goldberg, Boney, Castillo and Sanchez absent.

Council Member Galloway stated that she would like to invite all her colleagues as well as the media to their town hall meeting tomorrow night at Shady Bell Elementary School located at 5905 Tidwell, that this meeting was going to be in reference to the proposed site for the northeast multipurpose center and would begin at 7:00 p.m. Council Members Goldberg, Boney, Castillo and Sanchez absent.

Council Member Galloway stated that she would like to commend Mr. Gary Ordat for his actions in expediting the acquisition of Aqua Source, which they knew had been one of her top priorities for the Willow Run and North Plaza Community because they had been dealing with high water bills and not getting water and many other elements that affected their lives over there in that community. Council Members Goldberg, Boney, Castillo, Bell and Sanchez absent.

Council Member Galloway stated that she received a petition from the community over off of Tidwell and Birdwood and they were requesting a traffic signal into that community because Tidwell and Birdwood had two neighborhood subdivisions as well as an elementary school and school had started and they felt a traffic signal was needed there so she would like Traffic and Transportation to look into that as well. Council Members Goldberg, Boney, Castillo, Bell and Sanchez absent.

Council Member Robinson stated that he received a memo, and thought all Council Members had, on a suggested break down on what the \$1 billion or \$1.5 billion in bonds would be, how they would be distributed for housing, parks, libraries, sewers, drains, roads and the like and the Mayor had made a commitment to do that and he followed through, that they now had an opportunity, as Council, to look at the 775, the 1 billion and 1.5 and they could vote up or down, that he appreciated the opportunity to have that information and would like to thank Mr. Haines and would like to visit with him some more on some other things as they go forward to make sure everything was straight, that he understood that the Legal Department was helping on what was going to go to Austin and wanted to thank Mr. Hall for pulling all of that information for him. Council Members Goldberg, Boney, Castillo, Bell and Sanchez absent.

Council Member Robinson stated that he would like some kind of analysis of the bond package that the County approved yesterday in terms of what if any project were going to be inside the City relative to their roads and bridges and their park funding so they could see as Council whether or not the City was getting a fair share, because if they were they may want to look at trying to do a coordinated effort in terms of their bond package, whatever the number may be, because whatever the number was he was going to support it because he thought it was important to have the county bond if they were getting a fair share and there was also a Proposition 15, State Constitutional Amendment, and he would hope that Council would take a look at it at the appropriate time and pass a resolution in support or at least go on record in support of the proposition, the mobility fund which would allow the State of Texas, TXDOT to issue bonds to build mobility projects. Council Members Goldberg, Boney, Castillo, Bell and Sanchez absent.

Council Member Robinson stated that he knew they were in the process of determining what the final surplus number was for FY01 in terms of CAFR and the like, that he had sent a memo to the Mayor, and a copy to Mr. Haines, to give them some idea of when they would be

coming back with a final recommendation of how to use that surplus in terms of some kind of compensation for employees, that he would like to ask that they look at putting some money in there to help with immunizations, and to put \$500,000 in the Rainy Day Account so that they could keep building that up, and Mayor Brown stated they would get a response to each of his items. Council Members Goldberg, Boney, Castillo, Bell and Sanchez absent.

Council Member Vasquez stated that he wanted to recognize their sponsors of the heavily attended fair and would also like to point out the Health Department, that they were very supportive and very helpful, that the nurses that were out there worked diligently from nine o'clock in the morning to 5 o'clock and they deserved a lot of credit, so they were going to be sending a letter to them thanking them. Council Members Goldberg, Boney, Castillo, Bell and Sanchez absent.

Council Member Vasquez stated that he also wanted to point out that in the latest issue the Houston Business Journal it stated that Trammell Crow and Perry Homes were going to be building townhomes at the old El Mercado site in the Second Ward, that it was a tremendous opportunity for the second ward neighborhood, that he wanted to publicly thank them and thank the Houston Business Journal for recommending that, and yielded the balance of his time to Council Member Todd. Council Members Goldberg, Boney, Castillo, Bell and Sanchez absent.

Council Member Todd stated that he would like to mention that this was the last Council session that George Biggs would be attending, that he was leaving effective on Friday, August 24, 2001 to pursue his political goals, that it had been a pleasure having him for three years at the Council table, that he had also handled the Regulatory Affairs agenda and recognized that George had done a great job and hated to see him go. Council Members Goldberg, Boney, Castillo, Bell and Sanchez absent.

There being no further business before Council, the City Council adjourned at 10:25 a.m. upon MOTION by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Boney, Castillo, Bell and Sanchez absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary