

City Council Chamber, City Hall, Tuesday, August 28, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 28, 2001, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Jew Don Boney, Jr., Rob Todd, Mark A. Ellis, Bert Keller, Gabriel Vasquez, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Paul Bibler, Assistant City Attorney; Mr. Richard Cantu, Director, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance Office; and Ms. Martha Stein, Agenda Director present.

At 2:01 p.m. Mayor Brown stated they had a Council presentation by Council Member Galloway. Council Members Goldberg, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

Council Member Galloway invited Ms. Anna James to the podium and Mayor Brown read a proclamation that hereby proclaimed that Lee P. Brown, Mayor of the City of Houston proclaimed August 28, 2001 as Anna James Day in Houston, Texas. Council Members Goldberg, Boney, Todd, Ellis, Keller, Sanchez, Bell and Robinson absent. (NO QUORUM PRESENT)

At 2:08 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Galloway led everyone in prayer and the pledge of allegiance. Council Members Goldberg, Boney, Todd, Ellis, Sanchez, Bell and Robinson absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Goldberg, Boney, Todd, Ellis, Sanchez, Bell and Robinson absent.

Council Members Keller and Quan moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Ellis, Sanchez, Bell and Robinson absent.

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

Council Member Castillo moved to suspend the rules to hear from Ms. Anna Kennedy out of order, seconded by Council Member Quan. Council Members Goldberg, Boney, Todd, Ellis, Sanchez, Bell and Robinson absent. MOTION 2001-0950 ADOPTED.

Ms. Anna Kennedy, 615 Louisiana, Houston, Texas 77002 (713-345-5571) appeared and stated that she was Executive Director and CEO of the Symphony, that she was present to thank them for everything they did to insure the opening of Jones Hall on Sunday, September 2, 2001, in time for their season to open, that she wanted to express their appreciation and thanks to Mayor Brown, to the Council Members, to Council Member Quan for the oversight responsibilities he undertook and were still undertaking, to Mr. Tollett, to Mario Reza and Vivian Martejano, their partners and friends at the hall and to the whole City for what they did, that she had said at a press conference that she thought the Mayor had been unnecessarily modest in describing just what it took for the City to do what it did for them, that in the few days and hours after the flood the City committed to truly extraordinary action and saved the performance phase of Jones Hall, that they did that by bringing in the temporary air conditioning and pumping the water out, which was just lapping a few inches below the stage, then they passed the emergency funding which enabled the restoration of all the equipment and did it on an accelerated time table so they could open, that yesterday they mailed out 15,000 letters to Houston Symphony supporters telling them, among other things, about the really extraordinary things the City did for them and thanking them, that now that they accomplished their first priority, which was having a place for them to play, they were now turning their attention to continuing

restoration of their operations and they estimated that their total loss at this point was about \$6 million and was separate from the money that the City was spending to restore the hall, that it was their job now and they would do it and had a lot of work to do, that they had three concerts coming up, that on Sunday, September 2, 2001 was the first one and free at Jones Hall, the Texaco Symphonica Concert and all the Council Members received invitations, that next Wednesday they had the Houston Chronicle Dollar concert, and asked that they join them at Miller Outdoor Theater on September 16, 2001, a free concert on Sunday night, which was a gift from their new music director to the City; and there were five musicians present who would perform a musical number for the Council. Council Members Goldberg, Boney, Todd, Sanchez, Bell and Robinson absent.

Council Member Castillo moved to suspend the rules to hear from Mr. Toby Mattox out of order, seconded by Council Member Quan. Council Members Galloway, Boney, Todd, Sanchez, Bell and Robinson absent. MOTION 2001-0951 ADOPTED.

Mr. Tobby Mattox, 333 Clay, Houston, Texas 77002 (713-227-5134) appeared and stated that he was Executive Director of the Society for the Performing Arts, that they were the second resident tenant in Jones Hall, that their organization was founded in 1966 by the late John T. Jones, Jr., when he and the Houston Endowment built Jones Hall and gave it to the City of Houston, that on behalf of the Board of Directors of Society for the Performing Arts, they wanted to add their thanks to Mayor Brown and the City Council for their quick and decisive action in approving the funds for the reconstruction of Jones Hall, that Mr. Tollett and his associates had been wonderful in working day and night seven days a week to make sure that Jones Hall was open on time for the beginning of the symphony season, that they were grateful for that, that the Society for the Performing Arts would be in Jones Hall in October to present the National Ballet of China and the Dance Theater of Harlem, in November to present the Vienna Boys Choir and in December to present a soon to be announced Broadway musical, that they thank them for their dedication to the performing arts in the City and for the enrichment and entertainment of all Houstonians, that they greatly appreciated the support of the Mayor and City Council. Council Members Todd, Parker, Sanchez, Bell and Robinson absent.

Council Member Parker moved to suspend the rules to hear from Ms. Lea Braden, Mr. Scott Williams, and Mr. W. R. Morris out of order, seconded by Council Member Quan. Council Members Galloway, Todd, Sanchez, Bell and Robinson absent. MOTION 2001-0952 ADOPTED.

Ms. Leah Braden, 815 Nashua, Houston, Texas 77008 (713-216-0436) appeared and stated that she lived in Timbergrove Manor, which was in Precinct 82, that she was present to voice her concern about a recent decision made by the TIRZ board, which was formerly known as the City Park Redevelopment Authority and Reinvestment Zone Number 12, that Tropical Storm Allison flooded approximately one third of the homes in her neighborhood, that Perry Homes had obtained an approval to build an apartment complex that was very close to her neighborhood and that project was approximately a half mile from White Oak Bayou and was in the TIRZ, that her concern was that Perry Homes was going to use public land for water storage for a private development, that public land was part of the TIRZ that had been designated as a ball field for their community, that it was her understanding that the ball field would now be dug about 10 inches deeper to meet the requirement for the Perry Homes apartments, and when this was done the proposed ball field would become a swamp in the spring when the rains come and therefore would become a breeding ground for mosquitoes, that she was disappointed that the permit was granted by Harris County Flood Control and the City of Houston, that she was disappointed that Mr. Ryan, the TIRZ chairman and the board did not take into consideration the residents of the surrounding neighborhood, that at a minimum the apartment complex should use their land for water storage not public land, that she was disappointed that they apparently

would never get the ball field that they were promised and also a little disappointed that it appeared that the City and County officials were not addressing the flooding issue, that she hoped that they would not flood again. Council Members Galloway, Todd, Sanchez, Bell and Robinson absent.

Council Member Tatro stated that the ball fields would be lowered the eight inches and the construction would proceed, that they would be getting the TIRZ ball fields that were part of the agreement. Council Members Galloway, Todd, Sanchez, Bell and Robinson absent.

Mr. Scott Williams, 1606 Turnpike, Houston, Texas 77008 (713-869-8948) appeared and stated that he was present in two capacities, one as a citizen of Houston and property owner in Timbergrove Manor, which was in Precinct 82 and within the boundaries of City Council District A, and two as president of Timbergrove Manor Neighborhood Association, representing 424 property owners, that the subject of his address was the recent actions of the City Park Redevelopment Authority Board chairman Bob Ryan regarding an agreement he struck August 1, 2001 with Perry Homes on behalf of the TIRZ Board, that a small fraction of the TIRZ Board led by Mr. Ryan failed to adequately represent the expressed interests of the community surrounding the TIRZ, that Mr. Ryan behaved in a manner inconsistent with the professional processes of public service that the City's administration was trying to foster, that prints of photographs taken in his neighborhood on the morning of June 9, 2001 were being distributed to the Council Members, that even though Tropical Storm Allison's rainfall was extraordinary, by its own admission, the Harris County Flood Control District and the City of Houston were not prepared with adequate flood abatement measures to protect their citizens property, that in the wake of that disaster, and squarely in the face of open opposition from their neighborhood and Council Member, Mr. Ryan agreed to accommodate yet another development project that increased their vulnerability to future flooding, that one may ask what could he have done differently, that he could have influenced the TIRZ Board to follow the expressed interests of the community around the TIRZ by rejecting Perry Homes request to use the ballpark in the TIRZ as mitigation to support Perry's private development, instead he chose a path paved with additional tax revenues for the TIRZ, that he could have informed those same constituents of his decision quickly enough to permit a public review, before the TIRZ Board, to reverse its decision, that it appeared that proper administrative steps were taken in this process to secure approvals from Harris County Flood Control District and City Planning, therefore it was probably fruitless to challenge the validity of the plan to proceed, that he found it curious, however, that the flood control district and the City were using FEMA Buyout Program in his neighborhood to replace older single family homes with perpetual greenspace in the name of flood control, however, no more than a quarter of a mile away those same entities were promoting additional multifamily development in a previously undeveloped greenspace, that it was this kind of disjointed policy that erodes their citizens confidence in the City's and County's commitment to developing a cohesive and comprehensive strategy for protecting the properties in their established neighborhoods from flood damage, that it appeared that the City was choosing to mortgage the future security of their neighborhoods with near term tax revenue from additional development, that furthermore it was the unprofessional behavior displayed by officials like Mr. Ryan, that eroded the citizens trust in the process of government in their community, that he urged Mayor Brown to immediately relieve Mr. Ryan of his chairmanship of the TIRZ Board and also urged that they review the role played by any other member of this board in this disappointing episode. Council Members Galloway, Goldberg, Todd and Bell absent.

Council Member Castillo stated that he was going to ask the Planning Department to give him an explanation of how they could reconcile the responsibilities to mitigate flooding and yet permit developments like these, and Mayor Brown stated that they would have the appropriate person brief him. Council Members Galloway, Goldberg, Todd and Bell absent.

Upon questions by Council Member Boney, Mr. Williams stated that his primary concern was that in this case they told the board that they did not want to do it, that they did not have to lower the elevation of the baseball field to accommodate the private development, that his concern was that the board failed to pay attention to its constituents. Council Members Galloway, Goldberg, Todd and Bell absent.

Upon questions by Mayor Brown, Mr. Williams stated that he was not protesting the development or the lowering of the ballpark, that he was protesting the way it was handled. Council Members Galloway, Goldberg, Todd and Bell absent.

Mr. W. M. Morris, 6530 Linden, Houston, Texas 77087 (713-921-4500) appeared and stated that he was present concerning the 311 Program, that it was just another wasteful program, that they all understood that the City crews could not keep up with the demand for road and infrastructure repair and road maintenance, that all the 311 Program was going to do was give false hope to the citizens, that if anything it was going to lengthen the amount of time that it took to get the streets fixed or any complaint that had to do with the maintenance, that once the people did start calling in they were dumping information into an already overloaded system, that it was just going to make it that much longer to get the job done, that he wanted to bring that to them and was sure that once the citizens started using the 311 Program they were going to have a lot of questions as to why it was taking so long to get the repairs done. Council Members Goldberg, Galloway, Todd and Bell absent.

Upon questions by Council Member Boney, Mr. Morris stated that he no longer worked for the City, that the Mayor fired him on Friday, and Council Member Boney stated that he disagreed with Mr. Morris analysis of the 311 Program. Council Members Galloway, Ellis, Vasquez, Parker and Bell absent.

Council Member Castillo asked Mr. Morris how many times he had been fired, and Mr. Morris stated that he was fired by this administration for standing up to the Red Cross, that they were not issuing vouchers to people who did not have anything but a trash bag full of a little clothes and some food, that they had been waiting for weeks to get vouchers, that a citizen came to him and asked him to get involved and he charged the manager of that service center for what they were doing and told them he was going to get the media to expose them for what they were doing, that he did do it and the media put some heat on them and they started issuing vouchers again, that the Red Cross manager had stated that those people were socioeconomically disadvantaged prior to the flood, that what did that mean, if they were poor and had an old beat up mattress and beds and the flood got them they were not going to get replaced, that who were they to make that judgment. Council Members Galloway, Ellis, Vasquez and Parker absent.

Ms. Cora Mach, 23 Tiel Way, Houston, Texas 77019 (713-695-6000) had reserved time to speak, but was not present when her name was called. Council Member Galloway, Ellis, Vasquez and Parker absent.

Ms. Alice Harper, 5127 Bayou Timber, Houston, Texas 77056 (713-840-1211) had reserved time to speak, but was not present when her name was called. Council Member Galloway, Ellis, Vasquez and Parker absent.

Mr. Steve Scheinthal, 1510 West Loop South, Houston, Texas 77027 (386-7000) had reserved time to speak, but was not present when his name was called. Council Member Galloway, Ellis, Vasquez and Parker absent.

Mr. Jeff Cantell, 1510 West Loop South, Houston, Texas 77027 (713-850-1991) had

reserved time to speak, but was not present when his name was called. Council Member Galloway, Ellis, Vasquez and Parker absent.

Ms. Carmen Nadolney, 314 White Cedar, Houston, Texas 77015 (713-455-1405) had reserved time to speak, but was not present when her name was called. Council Member Galloway, Ellis, Vasquez and Parker absent.

Sister Lauren Beck, 609 Crawford, Houston, Texas 77002 (713-227-3637) had reserved time to speak, but was not present when her name was called. Council Member Galloway, Ellis, Vasquez and Parker absent.

Ms. Margaret Hotze, 5219 Bayou Glen, Houston, Texas 77056 (713-780-2078) appeared and stated that That today, she wanted to thank them for voting last year to encourage the passage of a bill, sponsored by her state representative, Beverly Wooley, to guarantee the State of Texas liquor licenses would be awarded only to facilities that did not operate within 1,000 feet of any schools where minor children were registered, and she thanked them for acting to protect all children, not just the children in public schools, that in a just society, where the call for equal rights had been the rallying cry for forty years, it was past time for all children to receive the equal protection of the law, that what saddened her was with the ink of the governor's signature hardly dry on the bill, they were being asked to grant an exception to the very law for which they worked so diligently, and ironically, the same institutions that are opposing the latest encroachment were those that caused the law to be considered in the first place, that she would like to remind them, to paraphrase Gertrude Stein, "a bar, is a bar, is a bar" and "a law, is a law, is a law"; why work to pass a law limiting the sale of alcoholic beverages, if one immediately looked for a loophole to break that very same law, that if it was that easy to change the law, why pass the law in the first place, that after one deviation from the law was allowed, who can guarantee that others would not quickly follow, that they should be reminded that these two particular religious institutions were not the only ones affected by any weakening of the law, all schools and churches within the city (actually anywhere in the state) could awaken one morning and find that some Council had put into effect another exception to the law, one that negatively affects them, that if the institutions most closely involved did not have to approve of any exception, what reason could possibly be given for the Council to say "no" to any later request, that any Council of any City in the State would be able to use this Council's actions to justify any other exceptions that nullified this new law, that one would think that there was no other area in downtown Houston where a new hotel (with bar) could possibly be located, that one would wonder why no one noticed that both the school and the church had been in the same location for over 130 years and the hotel would be the "new kid on the block", that no one was objecting to tearing down the biggest eyesore in Houston, the former World Trade Building on the corner of Crawford and Texas, that when chairman Jack Raines of the Port Commission set forth a plan for a park on that city block, there was jubilation, that a park with an underground garage was a sensible suggestion, that the block was also a good location for the new fire station or a Museum of Houston History or even Mr. Tillman Fertitta's aquarium, that as it was they must be careful that the secular culture did not destroy the spiritual culture of the city, that while they concerned themselves with the material well being of society, they must never neglect or diminish the institutions that contribute to the moral fabric of the citizenry, that she recommended that the City Council reject the move to change, in reality to destroy, the law they themselves endorsed and worked so diligently to pass, that she thanked them for their good will in the past, and asked that they again hear their plea for consistency and justice. Council Members Galloway and Castillo absent.

Council Member Boney asked if Ms. Hotze understood that the variance that was being considered in the proposed ordinance only applied to the central business district in the downtown area, and Ms. Hotze stated that she knew but it was just an exception and any exception could be added any other time to any other place, and Council Member Boney stated

that it only applied to hotels with restaurants who would sell liquor in their restaurants, that it was not for a bar in a hotel, and Ms. Hotze asked if they could just sell liquor at a bar without anyone going into the restaurant. Council Members Galloway, Castillo and Parker absent.

Council Member Ellis stated that there were some things that had happened since last week and the Mayor had a group of representatives of the City to meet with the Judge Slovacheck and Carmen and so forth and there was an agreement that the Mayor would pull the item for a week so they could negotiate the so called variance, that the way it was presently drafted, yes the hotel could open a bar, that there was a consensus that most people did not mind seeing a food and beverage license go in, but he also knew that House Bill 688 had an exclusion for food and beverage licenses that were within 300 feet of a parochial, private or public school, that they did not have the exclusion for the churches, that one of the ways that they could all come into agreement was that if they did not exclude this legislative body and the churches and if they felt that it was in the best interest of that area to grant a variance then they could do so, but the authority would still lay with the City Council, that he agreed with what she had said earlier was true, that there was room in the downtown area for God, children and for revitalization and if they did some good planning they could all continue to be in agreement with that. Council Members Tatro, Galloway, Todd, Vasquez, Castillo, Parker and Quan absent.

After further discussion by Council, Council Member Ellis stated that he would leave it up to Legal to setup some type of administrative hearing, but the approval would have to come through this legislative body, that the Council would ultimately be responsible for making that decision, that there could also be some type of waiver process where the church could sign a waiver and say they wanted the development, that every project would be independent of one another. Council Members Tatro, Galloway, Boney, Todd, Vasquez, Castillo, Parker and Sanchez absent. (NO QUORUM PRESENT)

Mr. Robert Scamardo, 1700 San Jacinto, Houston, Texas 77008 (713-659-5461) had reserved time to speak, but was not present when his name was called. Council Member Tatro, Galloway, Boney, Todd, Vasquez, Parker and Sanchez absent. (NO QUORUM PRESENT)

Mr. Kelly Roberts, 3645 Timberside Circle, Houston, Texas 77025 (713-349-0857) had reserved time to speak, but was not present when his name was called. Council Member Tatro, Galloway, Boney, Todd, Vasquez, Parker and Sanchez absent. (NO QUORUM PRESENT)

Mr. Paul Coyle, 2406 N. Frasier, Conroe, Texas 77303 (713-539-1333) had reserved time to speak, but was not present when his name was called. Council Member Tatro, Galloway, Boney, Todd, Vasquez, Parker and Sanchez absent. (NO QUORUM PRESENT)

Mr. Tuffy Ellis, 10152 Longmont, Houston, Texas 77042 (713-266-0621) appeared and stated that he was very concerned about the variance also, that they lived in a society today that was constantly bombarding their youth with scenes of sex, violence, alcohol and drugs, and then there was peer pressure, that he served in the field of education for some 30 years and was very well aware of the pressure that was put on young people today and it was very important that they provide them with an environment where they could grow and mature without all kinds of temptations, that Incarnate Word Academy provides such an environment, that he served on the board of the school for a short time in 1991, that these students for the most part came from a lower socioeconomic level and get a very good education at Incarnate Word, that he thought it was about 90% to 95% of their students go off to college, and that was a remarkable when they considered the socioeconomic background from which they came, that it was his understanding, and he had checked with the Alcoholic Beverage Commission, that the City had already passed an ordinance prohibiting the selling of alcoholic beverages within 1,000 feet of public schools, that if the Council believed that such an ordinance was good for the public schools, why was it

also good for the private and parochial schools, that it should be good for all the children of the City, that all of them wanted to see the revitalization of downtown Houston, that he was a native Houstonian and grew up in the 1930's, that he used to get on the bus to go downtown and go to the movies, shops, restaurants and visit the hotels and so forth, that it was very exciting then, that it was not very exciting to go to downtown Houston now because it was in such a state of distress and that was why the revitalization was so important and he was very happy to see it, but in the 1930's downtown was also safe for children, that there were no bars or places of that kind, that back in the 1930's there were a number of schools downtown, that he would urge that the City Council and the County Commissioners Court, Mr. Ferrite and the Port of Houston get together and replace that dreadful looking building with a park, that they needed more parks in Houston. Council Members Galloway, Boney, Vasquez and Sanchez absent.

Mr. Ray A. Jones, 3214 Ferndale, Houston, Texas 77098 (713-529-7887) had reserved time to speak, but was not present when his name was called. had reserved time to speak, but was not present when his name was called. Council Member Galloway, Boney, Vasquez and Sanchez absent.

Mr. Jason Medley, 450 Gears Rd. 6th Floor, Houston, Texas 77067 (281-875-8200) appeared and stated that he represented a local pyrotechnic company called TMAC Productions, the company that did firework displays and similar types of displays, that they did a lot of work for the Astros, Rockets, Comets, Astroworld and hopefully soon the Texans, that their ability to work for those Houston teams was in serious jeopardy due to a very high permit fee that they had to pay pursuant to Fire Code Section 106.33, that he had a short memo on that point which he distributed to the Council Members, that the president of TMAC Productions was on the speakers list and was present and ready to talk about a possible alternative. Council Members Galloway, Boney, Keller, Vasquez and Sanchez.

Council Member Tatro moved suspend the rules to hear Mr. Joe Todd Walker out of order, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Galloway, Boney, Keller, Vasquez and Sanchez absent. MOTION 2001-0953 ADOPTED

Mr. Joe Todd Walker, 4027 Mossy Grove Ct., Houston, Texas 77346 (281-454-7515) appeared and stated that he was the president of a local special effects company, many of which he had seen a lot of the Council Members at the shows that they had produced, that the problem they were facing right now was not necessarily the amount of money they were paying for permit fees for pyrotechnics and standby fire watch, even though in his judgment they were the number one highest permitted City monetarily in the United States today at \$455 per show, that had nothing to do with insurance and so forth, but purely permits to do the pyrotechnics shows, that the problem was for multi event shows, Astroworld, which they did probably 100 shows in the course of a summer, the Houston Astros, 83 shows, and so forth and so on, that the problem they were having with their clients was when they looked at this they were looking at tens of thousands of dollars to produce a show, as with the Houston Astros, that was a six second show, that if they win they shoot the show and it lasts six seconds and that was \$275 for a standby fireman every show and every day they did the show, that he had no problem with paying the firemen, but the problem was that they got \$20 an hour and were on a four hour minimum and that was \$80 and \$195 per show that they paid to the City, that the problem the clients were having was when they looked at the bottom line they were opting not to do these shows at all, that it was going to detract from the entertainment value and not only did it take business out of his hands, but also, like in the case of Astroworld, six gentlemen were out of work, that he was asking for the Council to look at the standby fire watch and be able to buy the days in block form, that in other words if they bought 30 shows at a time they would get a discount off the \$275 per day. Council Member Galloway, Boney, Keller, Vasquez and Sanchez absent.

Mayor Brown stated that Chief Simms of the Fire Department would meet with him to see if there was something he could bring back to the Council to look at. Council Member Galloway, Boney, Keller, Vasquez and Sanchez absent.

Upon questions by Council, Mr. Walker stated they had \$175 permit fee, for the City permit and they had a \$275 standby fire watch fee, which part of it went to the fireman that was on hand at the show and they had a \$5 filing fee and those were City costs, that beyond that they had insurance and so forth and so on, but what he was looking at were the City's costs at this point, that they did shows in other cities, that they had national clients, that they were doing the Olympics this year in Utah, that in his opinion Houston was the highest in costs, they were \$460 for an initial permit, that Austin was \$30, San Antonio was \$25, Grand Junction, Colorado was zero, that Los Angeles, California was \$325, that other cities did not have a bulk permit cost like he was talking about, and Council Member Todd stated that he would like to know the result of the meeting between Mr. Walker and Chief Simms. Council Member Tatro, Galloway, Boney, Keller, Vasquez, Castillo and Sanchez absent.

Ms. Laveta Daniels, 500 Airtex No. 402, Houston, Texas 77090 (713-500-8533) appeared and stated that she was 34 years old and attended Lakewood Church and was employed by the University of Texas, that she felt this information was important in establishing who she was, that she was victimized by the Houston Police Department on May 5, 2000, that she was involved in a car accident while traveling on I45 at the Allen Parkway entrance ramp, that although her head cracked the windshield, leaving her with a large hematoma, bruises and shaken her actual trauma did not begin until the Houston Police arrived, that they refused to talk to the Blacks who were on the scene while accommodating the others, that when she arrived at the hospital she was confronted by the Houston Police with more hostility and accusations, that she became frustrated and the last comment she made to them was to get out of the hospital room, that she felt that the Houston Police Department should not be impartial because when they put the blue on they should not be either Black, White, Hispanic or Asian just men and women in blue, that she was told by the officer that he would tell in court, but it was not her story she was looking for, it was the truth, that she went to Internal Affairs and felt she was served with dignity and respect, which she should have received that day, that the officers added information to the report, which helped out a lot, but the bottom line was that on that day she was discriminated against because she was Black and the facts were extorted and statements were falsified. Council Member Tatro, Galloway, Boney, Keller, Vasquez, Castillo and Sanchez absent.

Mayor Brown stated that Assistant Chief McClellan was present and would go over the details she wanted to have expressed. Council Member Tatro, Galloway, Boney, Keller, Vasquez, Castillo and Sanchez absent.

Mr. Ramon Cervantes, 14019 Wadebridge Way, Houston, Texas 77015 (713-455-3443) appeared and stated that he was present with his daughter Monica Denise Cervantes, that he was present on her behalf as well as that of other dependent children of City employees who may be in her situation or a similar one, that he had with him some DME's, which he displayed for Council, Durable Medical Equipment which his daughter in July of 2000 was diagnosed as needing, that they were a medical necessity, that her orthopedic doctor wrote a letter and stated this, that they were a medical necessity, that last year under the Nylcare Plan they really did not have a problem, the only request they wanted was a letter from the HMO Doctor stating that it was in fact a medical necessity, that as they could see they were hard durable plastic, that they asked the Orthopedic Doctor if she could use gel inserts, but he said no, that she needed hard durable one, which they had to custom make them, that Nylcare did not blink an eye other than the request for a medical necessity letter, that this year they were under HMO Blue Cross Blue Shield of Texas and of course a year later her foot had grown and she needed a new set, that

they had gone back to the same orthopedic doctor, who was still a member of the HMO plan and to the same designated facility who made them last year and now this time HMO Blue Texas had denied them, stating in a letter that it was not a covered benefit, that he as a parent was frustrated and disappointed in learning that orthopedic inserts, such as those, had not been a covered benefit but nonetheless was a medical necessity according to her doctor, that it did affect her quality of life, walking from class to class at school, that prior to her being diagnosed with flexible flat feet, which causes tendonitis, she complained of the excruciating pain in her ankles, knees, hips and even headaches, which was what brought them to getting the inserts, but now HMO Blue Cross Blue Shield had said no, that they were not a life threatening necessity, however they would be covered if the patient was a diabetic, that he implored the City Council to please review that section to see if they could alleviate some of that for them as parents and employees of the City to get them replaced. Council Member Tatro, Galloway, Boney, Keller, Vasquez, Castillo and Sanchez absent.

Mayor Brown asked if he was aware that if his claim was denied there was a grievance procedure and asked if Mr. Cervantes had done that, and Mr. Cervantes stated yes and they were in the process, that he had spoken to the representative who stated that they had resubmitted the items again and the letter and if they still denied it they could still go through the appeals process, but encouraged him to address Council, and Mayor Brown stated that someone in Human Resources could be more helpful to him and stated that Ms. Margaret Baptiste was present and would ask that she would with him to see what they could get done. Council Member Tatro, Galloway, Boney, Keller, Vasquez, Castillo and Sanchez absent.

Ms. Ruth Webb, 14250 Kemberly, Houston, Texas 77079 (281-870-1996) had reserved time to speak, but was not present when her name was called. Council Member Tatro, Galloway, Boney, Keller, Vasquez, Castillo and Sanchez absent.

Ms. Karen Allen, P. O. 325, Missouri City, Texas 77459 (713-728-2844) appeared and stated that she had distributed a memo regarding the Home Repair Program, that she was present regarding Ms. Carrie Allen, a former City of Houston employee, who suffered the total loss of her home in a fire over two years ago, that she was then forced to relocate to a home which had been left via a last will and testament from her parents, that the home was and continued to be in extensive need of repair and basically what they had experienced in seeking assistance from this program was the run around that they often heard about with City services and that was why she was present, that at the time of suffering the loss Ms. Allen contacted Sheltering Arms and they did an investigation and determined that she was qualified for the program and that she would be in the \$15,000 category, that after that time they did not hear anything back and she began to become involved, that they were told by Keisha Hernandez with Sheltering Arms, that they were awaiting funding that was to come in April and funding did not come because she continued to call, that on May 22, 2000 she left a message with Ms. Hernandez and she noted that funding had been released but they were not contacted because Mr. Halpin, Project Manager for the program, had not provided her with the needed documents and title research materials, that she left messages and continued to call and even called Mr. Halpin, that on August 9, 2001 she left a message with Mr. Halpin and still did not get a response, that when she finally spoke with Ms. Hernandez again on August 16, 2001 she was informed that Mr. Halpin had not responded to her e-mails or calls regarding the matter, that on August 11, 2001 she reached Mr. Halpin herself and the ball now passed to Mr. Clyde Lemon who supposedly had a contract with the City and according to Mr. Halpin had not performed many of the services that he was contracted to perform therefore the holdup was on Mr. Lemon at this time, that Mr. Lemon was severely behind on reviews and they were not the only ones suffering, that it did not change the fact of the matter of someone who had been a City employee and served under Mayor Lanier had given to the community was not able to get services because of someone dropping the ball, that if her tax dollars were paying for something that Mr. Lemon was

to do she thought they should hold him accountable. Council Member Galloway, Boney, Keller, Vasquez, Castillo and Sanchez absent.

Mayor Brown stated that Ms. Webb was present and would meet with her and follow through and make sure that she did not get the run around anymore. Council Member Galloway, Boney, Keller, Vasquez, Castillo and Sanchez absent.

Mr. John Houston, 4645 Mallow, Houston, Texas 77051 (713-733-8347) appeared and stated that he knew that they all knew that Houston's landmark for a number of years had been oil and gas and he had this in mind to bring it up to the Mayor and Council, that they never had a monument around like a oil well tower or a plaque that would educate the kids to know when oil and gas was discovered here, that he had formed a committee together in his community and they would like to have donations taken up and have a nice little oil well built in the downtown area and have it donated to the City so the kids could read what year oil was discovered in Houston, that it would educate the kids and visitors. Council Member Galloway, Boney, Keller, Vasquez, Castillo, Parker and Sanchez absent.

Mayor Brown stated that Mr. Cantu would meet with him to see what help they could give him. Council Member Galloway, Boney, Keller, Vasquez, Castillo, Parker and Sanchez absent.

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Council Member Galloway, Boney, Keller, Vasquez, Castillo, Parker and Sanchez absent.

Mr. Tasleem Siddiqui, 7400 Harwin Dr., Houston, Texas 77036 (713-914-0786) appeared and stated that he was present trying to focus on community services, that the City had many communities working under their leadership, that he would like for them to add a community service committee, that in the past few years starting with the store violence up to the tragic death of Shamim Siddiqui, the Mayor and Council Member Quan had been very actively involved with the community and they highly appreciated it, but he believed the City could play a more effective role by forming a community service committee which would comprise of all the Houston communities and they should hold periodically, in the different parts of the City, townhall meetings, that he knew that Council Member Quan had been organizing townhall meetings in different areas, but this special committee should hold a meeting in a fixed place in the different areas of the City a townhall meeting which would provide the general public to have access to the City which would strengthen the confidence of the public in the City Hall. Council Member Galloway, Goldberg, Boney, Keller, Vasquez, Castillo, Parker and Sanchez absent. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to thank Mr. Siddiqui for being present and sharing his ideas, that he knew that Mayor Brown had made a diligent effort to go out with his mobile townhall meetings and meetings throughout, but he would like to follow up with him on his ideas and see how may they could institute it more with the administration. Council Member Galloway, Goldberg, Boney, Keller, Vasquez, Castillo, Parker and Sanchez absent. (NO QUORUM PRESENT)

Ms. Dorothy Olmos, 6678 Sylvan, Houston, Texas 77023 (713-928-2688) appeared and stated that she was present to tell them of the lax of payment on her contract with AVANCE, that it had not been paid and she did not know the negligence of that but would tell them what she had found out about the F&A Department, that she had found out in the recent months that there had been several times that she had called and there were no return phone calls and it came to the point that she had to come to Council to get a response, that she had been owed in the past several thousands of dollars and now she was two months behind in payment, that June and

July had not been paid as of yet and she had to cancel her vacation trip because she did not receive her payment, that she knew that AVANCE had a part in it because they were her fiscal agent, but at the same token the F&A Department had a responsibility to expedite invoices as such, that she wanted to see if there was any kind of monitoring system on the employees in the F&A Department and all of the departments to monitor the employees when they go on vacation and if they leave stacks of invoices on the desk to be paid when they get back, that as an independent contractor and company she subcontracts her services to agencies to provide a service for youth and these services were very well needed in the neighborhood and community and she had provided this service for two and a half years and she still could not get compensated for the time and effort that she put in, that she knew that this contract was on a reimbursable basis, but for two and a half years she had been dealing with it and in December the contract would be up, that she wanted to know what the Mayor and Council could do to monitor the employees on a timely basis to make sure that the smaller independent contract business owners could get their monies on a timely basis. Council Member Galloway, Goldberg, Boney, Keller, Vasquez, Castillo, Parker and Sanchez absent. (NO QUORUM PRESENT)

Mayor Brown stated that the Director of Finance and Administration would call her personally and he would hold him accountable to get it done. Council Member Galloway, Goldberg, Boney, Keller, Vasquez, Castillo, Parker and Sanchez absent. (NO QUORUM PRESENT)

Upon questions by Council, Ms. Olmos stated that he did get a call from Ms. Laws with Affirmative Action this morning and she also saw that there was a need that needed to be addressed, that the invoices were not being paid on a timely basis, that she had waited as long as three to four months to get paid for four months prior on payments, that she was told that the employee who was responsible for her account through her fiscal agent was on vacation or gone on staff conference, that she was gone periodically on many things, that there were other issues, that it was always the same person and she believed now that it was a personal thing because she had brought it to the Council's attention on many occasions. Council Member Galloway, Goldberg, Boney, Todd, Keller, Vasquez, Parker and Sanchez absent. (NO QUORUM PRESENT)

Mr. Richard Haase, P. O. Box 623, Sugarland, Texas 77487 (281-261-9543) appeared and stated that he was present with his wife who had distributed some booklets for the Council Members, that as everyone was well aware they all drank bottled water and there was good reason for that, that the EPA had done a lot of work for the last 10 to 15 years to find out that their drinking water per U.S. standards was probably not the best thing for them, that he was not present to critique Houston water, that they had a very difficult water source that comes in at times where it was very difficult to treat and the guys do a very good job, that he was not present to say anything about Public Works or anything like that, that the reason he was present was that his little company had been working for seven years and they had seven patents on drinking water and seven more pending, they believed, and a lot of other entities they had been to such as the TNRCC, the U.S. EPA Office of Research and Development, the State Water Board, that they essentially had something that was very good to meet and exceed the new standards that were coming out by the U.S. EPA, that the reason he was bringing it before Council was that Houston was his hometown and they were able to sell it in a lot of other places, that selling to Houston was very difficult, that as a matter of fact one of the engineers in town was very interested in the technology but they could just not get off of first base with it, that it just got lost in the large City, that what they had scheduled in the first quarter of this year was some time in the pilot plant, that the U.S. EPA, the TNRCC, some folks from the State Water Board and some folks from the NSF were very interested to see the technology demonstrated, that it would exceed all of the proposed, not just the current January of next year regulations, which everyone was working for, but all of the proposed regulations EPA had, that it just got bogged down and

got canceled, that as they knew Houston did have some concerns with air quality, which everyone was working very hard to take care of, that this was a very positive thing, that they had new technology which would make their drinking water as good as it was in Spring, that he was just looking for the ability to work with the pilot plant if possible or however he could get the attention of Public Works to introduce this great and good technology. Council Member Galloway, Boney, Ellis, Keller, Vasquez, Parker, Quan and Sanchez absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Roger Culbert, who was in charge of water production for the City, was present and would meet with him to see what could be done. Council Member Galloway, Boney, Ellis, Keller, Vasquez, Parker, Quan and Sanchez absent. (NO QUORUM PRESENT)

Council Member Tatro stated that Mr. Haase had mentioned a water pilot project and asked if he was talking about the Houston Area Water Corporation, and Mr. Haase stated that he tried to contact HAWC and that was difficult also, that actually they had the best quality pilot plant at the east plant in Houston, that it was a very good facility and very well run and very well designed, that if they went downstairs in the administration building there was a small facility for testing, and Council Member Tatro suggested that he contract Montgomery Watson, because they were the leading engineering team on the Northeast Water Purification Plant and believed that would be the best opportunity here for an emerging technology and an opportunity to get in on the ground floor or the best opportunity in the City. Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez absent.

Ms. Camiia Allen, 8642 Victorian Village Dr., Houston, Texas 77071 (713-995-4103) had reserved time to speak, but was not present when her name was called. Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez absent.

Mr. Jeff Burns, 5919 W. 43rd., Houston, Texas 77092 (713-681-6445) had reserved time to speak, but was not present when his name was called. Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez absent.

Council Member Quan moved to suspend the rules to add from Ms. Teresa Powers to the speakers list, seconded by Council Member Todd. All voting aye. Nays none. Council Member Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez absent. MOTION 2001-0954 ADOPTED

Mr. Michael Whiting, 8800 No. 5400, Houston, Texas 77061 (713-649-3630) appeared and stated that his father worked for the Houston Fire Department as a City Inspector, that he was present because he had a solution to help with the Houston Fire Department crisis that they had today, that he had seen the old Trailways Bus building and thought they could convert it to a fire station so that Station 8 as well as Station 1 could be merged together as a super fire station, that also on the manpower problem, they could take away the B shift temporary and that would bring more manpower on the fire trucks, that he also wondered if there was any possibility for overtime for the Houston Fire Fighters, that would build up the manpower, that it would help out the City tremendously, that as to the college hours for the Fire and Police Department it was hurting the City critically, that he knew they were all supposed to have a good education but it was really putting the City in a rut right now, that as to some of the prior stations that he had seen some of the stalls were empty, some needed ladder trucks or ambulances, that it would help the City on medical calls tremendously if they would slow down the ETA time, that instead of 10 minutes to slow it down to 5 or 3 minutes, that Stations 52, 47, 17, 26, 25 and also 51 needed medical ambulances as well. Mr. Whiting continued to express his views on the Houston Fire Department until his time expired. Council Member Council Member Galloway,

Boney, Keller, Vasquez, Parker and Sanchez absent.

Mayor Brown asked if he was with the Houston Fire Department and Mr. Whiting stated no, that his father was, that he did security in Council Member Boney's office, and Mayor Brown stated that Chief Simms was present and asked that Mr. Whiting meet with him and share his ideas with him and he would do an evaluation and report back to them. Council Member Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez absent.

Ms. Paula Harrison, 12261 Fondren, Houston, Texas 77035, no phone, appeared and voiced her personal opinions and ideas until her time expired. Council Member Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez absent.

Ms. Teresa Powers appeared and stated that she had a dispute and it was an ongoing situation that she had with the City of Houston Housing Authority about her Section 8 voucher, that she had been going through the situation for 11 years and had accessed the chain of command twice and had done everything they asked her to do, that she had spoken to the highest person she could speak to at 2640 Fountainview and did have several staff workers names but did not think it was necessary to go into now, that she had three small children, ages 6 year, 4 years and 1 year old and was currently 5 months pregnant, that she was seeking assistance for housing and felt she had waited her time out and was still not getting any results, that she was being pushed around and shoved around, that the main problem was that they lost her file and they were created more problems for her and at this point she was getting very frustrated and meanwhile they still had no where to live, that they were flood victims, which just made it worse, that she was just getting the run around and still no results. Council Member Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez absent.

Mayor Brown stated that Ms. Debra Dillard, Citizens Assistance, would meet with her and see what they could do to be helpful. Council Member Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez absent.

Mr. Joseph Omuari, 15 Charleston Park No. 1107, Houston, Texas 77025 (713) had reserved time to speak, but was not present when his name was called. Council Member Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez 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 Member Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated Tuesday, August 28, 2001, www.galvan.org, that yesterday was his 45th birthday and the first day for Houstonians to pay their filing fee to run for Mayor or Houston City Council, that Houstonians had until September 24, 2001 to pay their fee or submit signatures, that he urged everyone watching this on television to become a candidate in 2001, that AKA the class of 2001, that this would be his 7th time running for public office and the first time that his name would be on the ballot citywide, that today he would also like to wish the City of Houston happy birthday this week, Thursday, August 30, 2001, that he, James Partsch-Galvan, does officially begin Houston's birthday and urge everyone to pass the marijuana joint around. Council Member Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez absent.

At 3:46 p.m. upon motion by Council Member Quan and seconded by Council Member Tatro, City Council recessed until 9:00 a.m., Wednesday, August 29, 2001. Council Member Council Member Galloway, Boney, Keller, Vasquez, Parker and Sanchez absent.

City Council Chamber, City Hall, Wednesday, August 29, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, August 29, 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 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

MAYOR'S REPORT

At 9:12 a.m. Mayor Brown reconvened the meeting of the City Council and stated that he wanted to take the time he had for his report to give a brief update on their flood relief efforts, that the State had received the City's two Fast Track applications and last week there was a total of 1,507 homes submitted to the State for consideration under Harris County's Home Acquisition Buyout Program, that he wanted to express his appreciation to all the City staff involved in the effort, that those in his office as well as Public Works, Planning and Housing, because of their hard work and dedication they were able to expedite the process and that should be noted by everyone and express their appreciation, that likewise they received great assistance and support by the Harris County Flood Control District, that without that they would not be where they were today, that their help had been indispensable, that the State was currently in the process of reviewing the applications and the City would be notified regarding approval in the very near future, that he would like to clarify that homeowners who must live in substantially damaged homes while waiting for buyout determination should make the minor repairs to their homes, that repairs such as removing water damaged sheet rock and taking the flood damaged carpet out of the house needed to be done for health reasons and a permit was not required for such minor repairs, that if they were unsure they could call the permitting office and they would answer their individual questions, that as he had stated last week there were a number of people who had not sought assistance, that the deadline for individual assistance was September 7, 2001 and those who had not requested assistance and needed help should contact FEMA and do so without any delay, that additionally those who had received assistance and find that the assistance they received was not sufficient or had been exhausted or needed more home repairs and those repairs were not complete or because of other circumstances, they could ask FEMA for additional assistance, that the City was trying to close the gaps to make sure that those needed help were getting what was needed, that they did not want anyone overlooked, that they were constantly finding more people who were in need of assistance, that the City would be assisting community organizations and churches, mosques, temples and synagogues in identifying what needs existed and who needed help and what resources could be tapped and the best use of those resources to serve the needs of the people identified, that although there were a number of agencies that had available assistance the real solution would be from the volunteer community, that he was asking everyone to open their hearts and if they knew of anyone who was still suffering, and Council Members if there were citizens in their districts still needing help, that they asked everyone to look outside their families and congregations and reach out and lend a hand, that there were a number of organizations prepared and also eager to help and he asked that they work with them to identify and address those in need, that any referrals could be submitted to the Mayor Citizens Assistance Office that was coordinating the volunteer outreach program and their number was 713-247-1888. Council Members Galloway, Boney, Ellis and Parker absent.

Council Member Vasquez moved to suspend the rules to consider Item Numbers 28 and

42 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Boney, Ellis and Parker absent. MOTION 2001-0955 ADOPTED.

28. ORDINANCE amending the Code of Ordinances, Houston, Texas, relating to the Reduction of Pollutants in Storm Water Runoff and the effective prohibition of non-storm water discharges to the storm sewer system; making findings and containing other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing a penalty therefor; providing for severability; containing a savings clause; containing a repealer – was presented. All voting aye. Nays none. Council Members Galloway, Boney, Ellis and Parker absent. ORDINANCE 2001-0800 ADOPTED.

42. 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 - (This was Item 28 on Agenda of August 22, 2001, TAGGED BY COUNCIL MEMBER PARKER)** – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg, Ellis and Parker absent. ORDINANCE 2001-0801 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 39

MISCELLANEOUS - NUMBERS 2

2. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **MILLER THEATER ADVISORY BOARD**:

- Position 4 - **MR. JAMES W. PIPKIN**, appointment, for a term to expire
April 24, 2005
- Position 7 - **MR. PETER A. VENNEMA**, reappointment, for a term to expire
April 24, 2005
- Position 9 - **MS. CELIA VARA VALLES**, appointment, for a term to expire
April 24, 2005
- Position 10 - **MR. YONG J. AN**, appointment, for a term to expire April 24, 2005
- Position 12 - **MR. ROMULO TIM CISNEROS**, reappointment, for a term to expire
April 24, 2005
- Position 14 - **MS. MILDRED L. NICKS**, appointment, completing an unexpired
term ending April 24, 2003
- Position 16 - **MS. GENEVIEVE A. ROUSSEVE**, reappointment, for a term to expire
April 24, 2005
- Position 18 - **MS. KYM I. KING**, reappointment, for a term to expire
April 24, 2005

- was presented, seconded by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Goldberg, Ellis, Parker and Robinson absent. MOTION 2001-0956 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 14

7. **FWD CORPORATION - Seagrave Fire Apparatus Division** for Seagrave Fire Apparatus Replacement Parts for Fire Department - \$76,562.50 - General Fund - was presented, seconded by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Ellis, Parker and Robinson absent. MOTION 2001-0957 ADOPTED.

8. **BIOLOG, INC** for Automated Microbial Identification System for Department of Health & Human Services - \$30,100.00 - Grant Fund - was presented, seconded by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Ellis, Parker and Robinson absent. MOTION 2001-0958 ADOPTED.
9. **OI ANALYTICAL** for One Cyanide Analysis System from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$46,234.00 - Enterprise Fund - was presented, seconded by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Ellis, Parker and Robinson absent. MOTION 2001-0959 ADOPTED.
10. **TRANTEX, INC** for Fire Hydrant Markers for Department of Public Works & Engineering \$84,157.28 - Enterprise Fund - was presented, seconded by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Ellis, Parker and Robinson absent. MOTION 2001-0960 ADOPTED.
11. **RIDGEWAY'S INC** for Reproduction Supplies Contract for Department of Public Works & Engineering - \$135,000.00 - General and Enterprise Funds had been pull from the Agenda by the Administration and was not considered. Council Members Galloway, Ellis, Parker and Robinson absent.
12. **AMEND MOTION #2000-275, 2/23/2000, TO INCREASE** spending authority by \$24,375.00 from \$97,500.00 to \$121,875.00 for Concrete Saw Blades, awarded to **RMB CONTRACTOR SUPPLY, INC** - Enterprise Fund - was presented, seconded by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Ellis, Parker and Robinson absent. MOTION 2001-0961 ADOPTED.
14. **FOSTER FENCE CORPORATION** for Fence Materials Contract for Various Departments \$384,044.00 - General, Enterprise and Street and Drainage Maintenance Funds - was presented, seconded by Council Member Vasquez, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway, Ellis, Parker and Robinson absent. MOTION 2001-0962 ADOPTED.

ORDINANCES - NUMBERS 16 through 39

16. ORDINANCE approving and authorizing lease agreement between **PROPERTY REDEVELOPMENT CORPORATION IV**, as landlord, and the City of Houston, Texas, as tenant, for space at 8300 Waterbury, Houston, Texas, for use as a Satellite Council District Office for District "A" - **DISTRICT A - TATRO** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Galloway, Ellis, Parker and Robinson absent.
20. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **TOWNHOUSE MANOR FUND, INC** for Garbage Collection Service for the respective subdivisions - 11 Months - \$66.00 - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Members Galloway, Ellis and Parker absent. ORDINANCE 2001-0802 ADOPTED.
21. ORDINANCE approving and authorizing amendment to sponsorship agreement between

the City and **MEMORIAL THICKET HOMEOWNERS ASSOCIATION** for Garbage Collection Service for the respective subdivisions - 11 Months - \$396.00 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Members Galloway, Ellis and Parker absent. ORDINANCE 2001-0803 ADOPTED.

22. ORDINANCE approving and authorizing contract between the City and **BOYD, SMITH AND ASSOCIATES, LLC** for Professional Polygraph Testing Services for the Houston Fire Department; providing a maximum contract amount - \$789,600.00 - General Fund had been pull from the Agenda by the Administration and was not considered.
24. ORDINANCE appropriating \$8,406,032.00 out of Equipment Acquisition Fund and approving and authorizing contract between the City of Houston and **PRC PUBLIC SECTOR, INC** for the Implementation of the Consolidated Dispatching Service at the Houston Emergency Center; providing a maximum contract amount - Total contract amount \$12,363,291.00 - Equipment Acquisition Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
35. ORDINANCE appropriating \$12,200.00 out of the Park Consolidated Construction Fund as an additional appropriation for Professional Materials Engineering Laboratory Services contract with **MCBRIDE-RATCLIFF & ASSOCIATES, INC**, GFS F-0363-11-3 and F-0363-38-3 (approved by Ordinance No. 00-1108) - **DISTRICTS D - BONEY and H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Galloway, Ellis and Parker absent. ORDINANCE 2001-0804 ADOPTED.
36. ORDINANCE appropriating \$212,650.00 out of Park Consolidated Construction Fund, awarding construction contract to **RESICOM, INC** and approving and authorizing professional services contract for engineering testing services with **ASSOCIATED TESTING LABORATORIES, INC** for Edgewood Park Community Center Improvements, GFS F-0363-44-3; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Members Galloway, Ellis and Parker absent. ORDINANCE 2001-0805 ADOPTED.
39. ORDINANCE appropriating \$2,338,182.00 out of Airport System Bonds 1998B AMT Construction Fund, CIP A-0385, awarding construction contract to **CHAMPAGNE-WEBBER, INC, TEXAS** and approving and authorizing professional services contract for engineering testing services with **ASSOCIATED TESTING LABORATORIES, INC** for Rehabilitation of Intersection Pavement at Runways 12R-30L and 4-22 at William P. Hobby Airport (HOU), Project No. 566A - **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Members Galloway, Ellis and Parker absent. ORDINANCE 2001-0806 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment of the following to the **MIDTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS** for terms to expire June 1, 2005:
Position 10 - **MS. NANCY C. WHITE**

Position 11 - **MS. ALITA GAIL HALL**
Position 12 - **MR. ROY T. JACKSON**
Position 13 - **MS. FRAN BEREGENZER**
Position 14 - **MR. TIMM WOOTEN**
Position 15 - **REV. WILLIAM B. MILLER**
Position 16 - **MS. HEATHER P. NGUYEN**
Position 17 - **MS. ARGENTINA M. JAMES**

– was presented, moved by Council Member Boney, seconded by Council Member Sanchez. Council Members Galloway, Ellis and Parker absent.

Council Member Castillo tagged Item No. 1 and Mayor Brown stated that the item was not taggable. Council Members Galloway, Ellis and Parker absent.

Council Member Castillo moved to postpone Item No. 1 for one week, seconded by Council Member Sanchez. Council Members Galloway, Ellis and Parker absent.

Council Member Boney offered a substitute motion to consider Item No. 1 to the end of the agenda, seconded by Council Member Sanchez. All voting aye. Nays none. Council Members Galloway and Ellis absent. MOTION 2001-0963 ADOPTED.

3. RECOMMENDATION from Director Finance & Administration Department that the City Council receive the 2001 Appraisal Roll Information, the Certified Anticipated Collection Rate for “Truth-In-Taxation” purposes and appoint Keith R. Phillips, to calculate and publish the City’s Effective and Rollback Tax Rates – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Boney, Ellis and Castillo absent. MOTION 2001-0964 ADOPTED.
4. RECOMMENDATION from Director Planning & Development Department to accept the July 2001 Semiannual Report and Recommendations of the Planning commission, acting as the Capital Improvements Advisory committee, relating to the implementation of the Water and Wastewater Impact Fees Program – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Boney, Ellis and Castillo absent. MOTION 2001-0965 ADOPTED.
- 4a. RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$6,832,195.07 to Revenue Bond Debt Service as recommended in the July 2001 Semi-annual Report of the Capital Improvements Advisory Committee (CIAC) – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Boney, Ellis and Castillo absent. MOTION 2001-0966 ADOPTED.

DAMAGES

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **ANDREA CORDOVA**, et al v. City of Houston, et al; in the 80th Judicial District Court of Harris County, Texas, Cause No. 99-25321 - \$40,000.00 - Property and Casualty Fund – was presented, moved by Council Member Sanchez, seconded by Council Member Vasquez.

All voting aye. Nays none. Council Members Galloway, Ellis and Castillo absent. MOTION 2001-0967 ADOPTED.

PURCHASING AND TABULATION OF BIDS

6. **SUNBELT RENTALS, INC** for Installation and Rental of Scaffolding and Debris Netting at Jones Hall for the Convention & Entertainment Facilities Department - \$100,000.00 - Enterprise Fund – was presented, moved by Council Member Boney, seconded by Council Member Vasquez.

Council Member Bell stated that obviously this was the item that concerned the safety netting around Jones Hall and they were all thankful that no one was hurt when the panels fell from the building, but he thought it brought up an important question regarding building inspection and what was being done by the various departments that oversee the City's public facilities. Council Member Galloway and Ellis absent.

Council Member Bell moved to postpone Item No. 6 to the end of the agenda, seconded by Council Member Boney. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-0968 ADOPTED.

Council Member Quan stated that since this item did involve Jones Hall and there was a question as to whether this was a result of the damage of the tropical storm he planned to include this in their next meeting for Jones Hall and the downtown area, that the meeting was scheduled for next Thursday for the Ad Hoc Committee regarding downtown restoration after the flooding and invited Council Member Bell to attend the meeting or send a representative, and Council Member Bell stated that his understanding from the agenda briefing was that they were not sure that it was all related to the flooding and Council Member Quan stated that was right and that was why they would go into that as well. Council Member Galloway absent.

Council Member Robinson stated that he hoped the administration would take a look at the broader question, that he knew there had a number of folks who had talked about some software by a couple of different firms that would track their maintenance system on the buildings and he hoped they would take a look at that and if the Mayor would ask the CAO to take a look at soliciting some information from those various companies to see what the City could do to upgrade their maintenance tracking system through the Building Services Department and Mayor Brown stated that he would ask Mr. Haines to follow up on it. Council Member Galloway absent.

13. **AMEND MOTION #2000-908, 7/12/2000, TO INCREASE** spending authority by \$898,352.50 from \$3,593,410.00 to \$4,791,762.50 for Office Supplies for Various Departments, awarded to **OFFICE DEPOT BUSINESS SERVICES DIVISION, INC** - General, Enterprise and Central Service Revolving Funds – was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-0969 ADOPTED.

ORDINANCES

15. ORDINANCE amending City of Houston Ordinance No. 2000-574, as amended (The Master Classification Ordinance) by revising the Master Classification listing to create fourteen (14) new classifications, change twenty-six (26) job titles, change thirteen (13) classification pay grades and delete fifty-eight (58) classifications; substituting the

amended exhibits as part of the current master classification listing; providing for severability – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0807 ADOPTED.

Council Member Castillo stated he had asked for the potential cost impact of the upgrades and Mayor Brown stated they would get in touch with him. Council Member Galloway absent.

17. ORDINANCE appropriating \$756,701.31 out of the Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone) Tax Increment Fund (Fund 228); \$1,988,978.69 out of the Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone) Tax Increment Fund (Fund 910); \$545,241.87 out of the Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone) Tax Increment Fund (Fund 906); \$1,280,971.83 out of the Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone) Tax Increment Fund (Fund 908); \$649,986.80 out of the Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone) Tax Increment Fund (Fund 911); \$633,838.40 out of the Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone) Tax Increment Fund (Fund 915); \$73,406.97 out of the Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone) Tax Increment Fund (Fund 907); \$1,168,986.94 out of the Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) Tax Increment Fund (Fund 912); \$1,586,556.44 out of the Reinvestment Zone Number Eleven, City of Houston, Texas (Greenspoint Zone) Tax Increment Fund (Fund 916); \$100,943.28 out of the Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) Tax Increment Fund (Fund 918); \$58,611.33 out of the Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone) Tax Increment Fund (Fund 920); \$849,423.03 out of the Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone) Tax Increment Fund (Fund 922); \$8,830.77 out of the Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone) Tax Increment Fund (Fund 924); and \$585,330.41 out of the Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone) Tax Increment Fund (Fund 925) for Affordable Housing, Administrative Expenses, payment of Project Costs and payments to the Houston Independent School District, the Humble Independent School District and certain redevelopment authorities as provided herein; containing provisions relating to the subject – was presented. Council Member Vasquez voting no, balance voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0808 ADOPTED.
18. ORDINANCE appropriating \$112,500.00 out of Housing Special Revenue Fund and approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** to provide matching funds for the operation of the Transitional Housing Safe Havens Program, a program designed to provide transitional shelter and support services to Homeless persons with severe and persistent mental illness, to be administered by the Mental Health and Mental Retardation Authority of Harris County – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0809 ADOPTED.
19. ORDINANCE approving and authorizing second contract amendments between the City and **AAR INCORPORATED; DIAMONDHEAD INTERNATIONAL SALES CO.; ORTHO CONSTRUCTION/RENOVATION; R & A BUILDING SPECIALIST; ROBERT C. PEARSALL;** and **WATSON CONSOLIDATED** for the City's Lead-Based Paint Hazard Reduction Control Program - Not to exceed \$600,000.00 – was presented and tagged by Council Member Goldberg. Council Member Galloway absent.
23. ORDINANCE approving and authorizing contract between City of Houston and **TRIDATA**

- CORPORATION** for Professional Services relating to the Implementation of Emergency Medical Services Planning and Redesign of the EMS System for Fire Department; providing a maximum contract amount - \$100,000.00 - General Fund – was presented and tagged by Council Members Quan and Tatro. Council Member Galloway absent.
25. ORDINANCE approving and authorizing contract between the City of Houston and **MULTIFORCE SYSTEMS CORPORATION** for Automated Fuel Systems Maintenance and Support Services, Professional Services, and Expansion; providing a maximum contract amount - \$766,753.17 General, Enterprise and Fleet Management Funds – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0810 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City of Houston and **ALTERNATIVE WORK ENVIRONMENTS, INC** for a Strategic Information Plan for the Library Department; providing a maximum contract amount - \$239,500.00 - General and Grant Funds – was presented and tagged by Council Members Goldberg, Keller and Vasquez. Council Member Galloway absent.
27. ORDINANCE awarding contract to **LANE EQUIPMENT COMPANY** for Ice Machine Rental Services for Various Departments; providing a maximum contract amount - \$1,088,362.50 General, Enterprise, Building Inspection and Fleet Management Funds – was presented and tagged by Council Member Goldberg. Council Member Galloway absent.
29. ORDINANCE appropriating \$86,561.37 out of Water & Sewer System Consolidated Construction Fund and \$21,665.63 out of Street & Bridge Consolidated Construction Fund and approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)** for Reconstruction of Hempstead Road and Washington Avenue from approximately 0.059 miles west of 12th Street to IH-10, CIP N-0611-45-3 (N-0611-45) - **DISTRICTS A - TATRO and H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0811 ADOPTED.
30. ORDINANCE appropriating \$275,000.00 out of Street and Bridge Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for the Traffic Signal and Incident Management System CIP N-0650-03-2 (SB9050); providing funding for contingencies relating to construction of facilities financed by the Street and Bridge Consolidated Construction Fund – was presented and tagged by Council Member Quan. Council Member Galloway absent.
31. ORDINANCE relating to the Repair of the Exterior of Jones Hall; appropriating \$2,550,500.00 out of the Convention & Entertainment Development Fund; approving and authorizing agreement between the City of Houston and **WISS, JANNEY, ELSTNER ASSOCIATES, INC** for engineering testing services; approving and authorizing supplemental agreement between the City of Houston and **GILBANE BUILDING COMPANY** for construction management services – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0812 ADOPTED.
32. ORDINANCE relating to the Disaster Recovery Fund; appropriating \$165,020.00 out of the Convention & Entertainment Development Fund and authorizing transfer of such funds to the Disaster Recovery Fund; appropriating \$165,020.00 out of Disaster Recovery Fund;

approving and authorizing an agreement between the City of Houston and **M. ARTHUR GENSLE & ASSOCIATES** for Architectural and Engineering Services for the Theater District Parking Garages and related appurtenances - **DISTRICT I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0813 ADOPTED.

33. ORDINANCE appropriating \$50,000.00 out of Parks Consolidated Construction Fund and approving and authorizing professional environmental consulting services contract between the City of Houston and **ENVIRONMENTAL CONSULTING SERVICES, INC**, CIP F-0363-98-3; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0814 ADOPTED.
34. ORDINANCE appropriating \$3,000.00 out of the Park Consolidated Construction Fund as an additional appropriation for Professional Materials Engineering Laboratory Services contract with **PARADIGM CONSULTANTS, INC**, GFS F-0363-09-3 (approved by Ordinance No. 00-0100) **DISTRICTS A - TATRO; D - BONEY; F - ELLIS; H - VASQUEZ and I - CASTILLO** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0815 ADOPTED.
37. ORDINANCE appropriating \$366,300.00 out of Public Health Consolidated Construction Fund and awarding construction contract to **LETSOS COMPANY** for Construction of Cooling Tower Replacement, CIP H-0046-01-3; providing funding for contingencies relating to construction of facilities financed by Public Health Consolidated Construction Fund - **DISTRICT D – BONEY** – was presented and tagged by Council Member Todd.
38. ORDINANCE appropriating \$8,000.00 out of Park Capital Project Fund and \$47,798.95 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 Renovation of 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 renovation 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** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2001-0816 ADOPTED.

NON CONSENT AGENDA - NUMBER 40

MISCELLANEOUS

40. **SET A PUBLIC HEARING DATE** to dissolve the **LEADER CROSSING PUBLIC IMPROVEMENT DISTRICT - DISTRICT F – ELLIS - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - 3 WEEKS FROM DATE OF PASSAGE** – was presented, moved by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Galloway absent. MOTION 2001-0970 ADOPTED.

MATTERS HELD - NUMBERS 41 and 42

41. 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** – (**This was Item 17 on Agenda of August 22, 2001, TAGGED BY COUNCIL MEMBERS ELLIS, SANCHEZ, TATRO and KELLER**) – was presented, and tagged by Council Member Quan.

Council Member Tatro moved to amend Item No. 41 by deleting (f) from Section 3-2 in its entirety, seconded by Council Member Robinson.

Council Member Robinson tagged the amendment. Council Member Goldberg absent.

Council Member Quan tagged Item No. 41. Council Member Goldberg and Boney absent.

Items received during meeting:

16. ORDINANCE approving and authorizing lease agreement between **PROPERTY REDEVELOPMENT CORPORATION IV**, as landlord, and the City of Houston, Texas, as tenant, for space at 8300 Waterbury, Houston, Texas, for use as a Satellite Council District Office for District "A" - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2001-0817 ADOPTED.
24. ORDINANCE appropriating \$8,406,032.00 out of Equipment Acquisition Fund and approving and authorizing contract between the City of Houston and **PRC PUBLIC SECTOR, INC** for the Implementation of the Consolidated Dispatching Service at the Houston Emergency Center; providing a maximum contract amount - Total contract amount \$12,363,291.00 - Equipment Acquisition Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2001-0818 ADOPTED.

Items Postponed to end of Agenda:

1. REQUEST from Mayor for confirmation of the appointment of the following to the **MIDTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS** for terms to expire June 1, 2005:
 - Position 10 - **MS. NANCY C. WHITE**
 - Position 11 - **MS. ALITA GAIL HALL**
 - Position 12 - **MR. ROY T. JACKSON**
 - Position 13 - **MS. FRAN BEREGENZER**
 - Position 14 - **MR. TIMM WOOTEN**
 - Position 15 - **REV. WILLIAM B. MILLER**
 - Position 16 - **MS. HEATHER P. NGUYEN**
 - Position 17 - **MS. ARGENTINA M. JAMES**

– was again presented and had previously been moved by Council Member Boney and seconded by Council Member Sanchez. Council Member Goldberg absent.

Council Member Castillo moved to divide the question on Item No. 1 and vote on Positions 10 through 16 separately, seconded by Council Member _____. All voting aye. Nays none. Council Member Goldberg absent. MOTION ADOPTED.

A vote was called on the motion to confirm the appointments of Positions 10 through 16. All voting aye. Nays none. Council Member Goldberg absent. MOTION ADOPTED.

Council Member Boney stated that one of the nominees that they had just confirmed was in the Chambers, Ms. Nancy White and her husband Mr. Stan White, that they owned much property in the Midtown area and also operated Southland Mortgage and asked that they stand and be recognized, and Mayor Brown stated that he appreciated their working with the City on these issues. Council Member Goldberg absent.

Council Member Castillo moved to refer Position 17 back to the administration, seconded by Council Member Sanchez. Council Member Goldberg absent.

Council Member Boney offered a substitute motion to postpone Position 17 for one week, seconded by Council Member Tatro, and Council Member Castillo stated that he would withdraw his motion.

Council Member Robinson asked that someone tell him what the issue was so they were all on the same page and not in the dark, and Council Member Boney stated that there was criteria regarding the positions that must be fulfilled and some Council Members had not received information in terms of the criteria in terms that this particular nominee meets and thought that it could be cleared up in a week, and Council Member Robinson requested that some one visit with him, and Mayor Brown asked that they make sure that all of them get the criteria. Council Member Goldberg absent.

A vote was called on the motion to postpone the motion to confirm the appointment to Position 17 for one week. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2001-0971 ADOPTED.

6. **SUNBELT RENTALS, INC** for Installation and Rental of Scaffolding and Debris Netting at Jones Hall for the Convention & Entertainment Facilities Department - \$100,000.00 - Enterprise Fund – was again presented.

Council Member Bell stated that they were delaying the vote in order to hear from someone with Building Service and Mr. Haines had stated that someone was on their way. Council Members Goldberg and Castillo absent.

Council Member Boney stated that there was a little bit of urgency on the item because as he understood it some of the outside slate on Jones Hall was falling off and there was a possibility that somebody might be injured and Council Member Bell stated that his intent was not to delay the item past today but thought it would be good for all of the Members to know what the procedure was for testing the building, that he could do it during pop off.

A vote was called on Item No. 6. All voting aye. Nays none. Council Members Goldberg and Castillo absent. MOTION 2001-0972 ADOPTED.

Council Member Keller stated that about a month and a half ago they had a tax abatement assignment for ABB and as a member of the prevailing side he would request that they put it before full Council for reconsideration and Mayor Brown stated that they would do that and take care of it. Council Members Goldberg and Castillo absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Boney stated that he wanted to speak about 311, that his office did a number of test calls to 311 and in one instance the response was immediate and in another the wait was about 5 minutes, that as he said before to the constituent that spoke about 311 at yesterday's meeting, he thought the system would allow them to track and have greater accountability and ultimately would be a great advantage to the citizens, that they had to realize that often in creating opportunities for calls and information they got a greater call load, that when people knew they had a way to get to various departments they would call more often. Council Members Goldberg, Castillo, Bell and Robinson absent.

Council Member Boney stated that he would like to give two commendations to members of the Mayor's staff, one related to Public Works and their responsiveness to the request from the Children's Museum for a traffic light or signage, that a four way stop sign had been put in front of the Children's Museum, that was a street that had become almost a major thoroughfare, that he received a call from the Executive Director, Tammy Kahn about it and she was very emotional and very gratified that they had responded very expeditiously and put that four way traffic sign there; that he saw a news report and was very proud of the work of Andy Kahn, who was the Mayor's appointment on crime victims representation, that he understood that Governor Perry was coming to Houston today to sign legislation that would not allow people who had been convicted of violent crimes to profit from those crimes while they were incarcerated, that there were a number of developments and projects by Andy Kahn to be sensitive to victims of crime and wanted to commend him for his good work and thanked Mayor Brown for having these kinds of folks in his administration, and Mayor Brown stated that they would get the message to both Public Works and Mr. Kahn. Council Members Goldberg, Castillo and Robinson absent.

Council Member Bell moved to suspend the rules to hear from Mr. Gerard Tollett, Director, Convention and Entertainment, at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Goldberg, Castillo and Robinson absent. MOTION 2001-0973 ADOPTED.

Council Member Bell moved to suspend the rules to hear from Ms. Monique McGilbra, Director, Building Services at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Goldberg, Castillo and Robinson absent. MOTION 2001-0974 ADOPTED.

Council Member Bell asked Mr. Tollett what were the procedures in the City in terms of checking and inspecting buildings and looking out for these types of situations, and Mr. Tollett stated that their buildings were checked in three different ways, first it was a visual check by the manager, that each building had a manager, and they were required once a month to do a visual check as well as walk the entire structure once a month and give them a report, that second was that Siemens, the mechanical contractor who managed the mechanical equipment, does an inspection twice a month, that per their contract every two weeks they inspect the building, and third, probably the one that was most important, they either steam or wash the structures once a year and that was when the actual inspection really takes place when they have the scaffolding up there and cleaning the buildings, Jones Hall, Wortham and the George Brown, it was an almost annual activity they had to do on their structures; that the situation involving the panels seemed to be related to the flood, that it just appeared that the water that got into the basement would have caused movement in the structure, however, in further research they had figured out that it happened to the Lyric Center, which had the same similar exterior, and it also had happened to other structures, such as inside City Hall they could see down in the basement a piece of and how it was mounted, that they had someone inspecting it and that was one of the items that passed today was for them to figure out part of that, but they thought it was a clip

behind there and thought it was actually a malfunction in the design or the way they were installed, that at the Lyric Center they had to take each one of them down and replace them, that he was not sure that was what they were going to have to do but was thinking that it was on that level of repair that it was going to take to get it done.

Council Member Bell asked Ms. McGilbra if the inspection system was the same or different for the Building Services Department, and Ms. McGilbra stated that the Building Services had property managers at each of the facilities that they managed and supervised and they did a daily inspection of the property just to ascertain any potential hazards or safety issues associated with the property, that on a monthly basis their chief engineers did a complete walk through of the mechanical systems including the rooftops as well as all of the interiors inside the building, that they also fill out a complete report and make any remediations as appropriate.

Council Member Bell asked Mr. Tollett if it was fair to say that the inspections had not revealed the situation regarding the panels, and Mr. Tollett stated correct, that they went through a \$10 million remodeling of Jones Hall this summer where some of the travertine was replaced to match, that the panels that fell had been in place since 1966, that a regular inspection would not have revealed something like that unless when they were washing the exterior and noticed movement, and they would have notified the City, the last steam wash on Jones Hall was last summer.

Upon questions by Council Member Robinson, Ms. McGilbra stated that if they recalled at the budget workshops the Building Services Department presented their proposal to purchase a web based integrated tracking system, which they just recently had approved through the Technology Steering Committee, and would be bringing that item before Council in the coming months, that once they got that system on line they would have a more expedient way of tracking all of those kind of incidents, including their maintenance and work orders, that it would keep a database of all of those activities, that one of the unique things of the system that they planned to implement was that it would be totally integrateable with the existing systems, which was a bonus, and then as the Building Service Department took over the daily maintenance of other City buildings then of course they would implement that system in those facilities as well, and Council Member Robinson asked that since they were going to buy the system that there was some way to make sure that everybody's building gets into the database even if Building Services did not now have jurisdiction so they would have the best record of tracking their maintenance need, and asked what was their deferred maintenance backlog right now, and Ms. McGilbra stated that at this point they had an 80% rate that the Building Services Department was currently working on, that they were in terms of completing work orders and completing all of the work associated with work orders, that was their goal in completing those work orders and they were presently achieving that goal.

Council Member Goldberg stated that a couple of months ago there was an item on the agenda that he had referred back to the administration, that it was an \$850,000 project for sidewalks, that he referred it back because the contractor was having problems with the project in his area, that he was glad that they sent it back because that project was still not complete, that they had people from the City go out there and they had a project manager on it that had also not followed through with everything that was supposed to have been done, that it was a project in the vicinity of Gail Reeves Park, and was a very simple sidewalk project and they managed to render all of the sidewalks irreversibly constructed and they were going to have to start over again, that he wanted help from the City to make sure that this project and the project manager and contractor follow through as they were supposed to, that he was getting complaints from the citizens telling him about the shoddy workmanship. Council Member Boney absent.

Council Member Galloway stated that she wanted to thank Mr. Earl Harris, Health and Human Services Department and Ms. McGilbra, Building Services, for their assistance in making a presentation at her townhall meeting last week for the Northeast Multi Purpose Center site, that it was a very successful meeting and the community was very enthused and were all very anxiously waiting to get into the programs that were going to be at the proposed multi service center. Council Member Boney absent.

Council Member Galloway stated that on Tuesday they would be opening the Lockwood Street Bridge and she and Mayor would be hosting it at 2:00 p.m. at Lockwood and 610 Loop and invited the Houston community to come out and share this with them. Council Members Goldberg and Boney absent.

Council Member Robinson stated that he wanted to thank Council Member Todd for bringing the San Jacinto Rail Limited issue to their attention last Council meeting, that since that time he had an opportunity to meet with several representatives from the partnership and Burlington Northern, that he understood that Mayor Brown had also met with them and as a result of that they were going to be sending a letter formally advising the City that they would be requesting an environmental impact study from the Surface Transportation Board and they would be submitting several alternative routes for consideration by the Surface Transportation Board and in the next several weeks they would start having meetings in the Clear Lake Community to solicit community input on the various routes that were on the table for consideration, that he would also be sending a letter to the Surface Transportation Board about the environmental impact study and in the next week or two would also meet with the Union Pacific representatives and would also continue to meet with members of the community to make sure that they continue to stay involved in that process as it goes forward. Council Members Goldberg and Boney absent.

Council Member Robinson stated that he knew that the Aviation Department would be coming forward in the future with a master study at Ellington Field, a contract for evaluation, and asked if they could do two things, that as to one of the routes that ran closest to Ellington Field if they could ask the consultants to look at that, and the second thing was that he knew several of the Council Members had been visited by folks from the Veterans Museum and their interest of possible placement of the museum at the Ellington Field site and Mr. Vacar, the Director, had agreed that as a part of that he wanted to meet with the Mayor about asking them to look at evaluating that possibility. Council Members Goldberg, Boney and Ellis absent.

Mayor Brown stated that they would look at both of those items. Council Members Goldberg, Boney and Ellis absent.

Council Member Quan stated that they had a chance to be at the unveiling of 311 Program this week and while there had been a lot of criticism about that from Members of Council as well as the public he just asked that people have a little patience with this program, that he had seen it in operation in Chicago and the calls were answered quickly within 30 seconds, and most of the calls within 10 seconds, that certainly it was a larger city than Houston was and the volume of calls should be less or comparable, that once they get this system in place they would see a substantial increase in response by the City to calls, that also the fact that it would provide them, as Council Members, the chance to monitor response by different departments on a regular basis so they would not have to wait for committee meetings to see how they were doing on pot holes, water breaks and things like that, they could answer that themselves by checking the monitors, that he thought the system was a good idea and asked for a little patience as operators got going. Council Members Goldberg, Boney, Todd and Ellis absent.

Council Member Quan stated that he wanted to commend several of the Council Members

for raising money last night for a worthy cause, Multiple Sclerosis, that Council Members Robinson, Tatro, Keller, Parker and Bell were involved. Council Members Goldberg, Boney, Todd and Ellis absent.

Council Member Keller stated that he was alarmed by the response that he saw on television and read in the newspaper by the Director of Aviation when he replied that air conditioning equipment was air conditioning equipment and hoped that he did not mean that and certainly felt that type of philosophy might answer a lot of his questions in general if somebody did believe that. Council Members Boney, Todd and Parker absent.

Council Member Castillo stated that as they knew the Affirmative Action Program was very successful and had given the City an opportunity to provide opportunities to small, minority and disadvantaged business owners, that there was however a procedure in the Affirmative Action Division which was called the procedures manual and the procedures manual were all the rules and regulations that were the authority of the Affirmative Action Division to devise in order to implement the MWDBE Ordinance, however in the list of provisions there was a provision called Geographic Scope that basically limited the availability of the Affirmative Action Program opportunities to a group of counties that were contiguous to Harris County so that meant that if they were in Columbus, which was in Colorado County, they could not be a MWDBE participant or provider, that in the ordinance itself it says that the Affirmative Action Division was authorized to establish procedures that were consistent with the ordinance and in his point of view, limiting the availability of the program without the authority of Council, that it was not consistent with the original ordinance and he would like for the Legal Department to look at this and order the Affirmative Action Division not to enforce that Geographic Scope limitation because it was not authorized by Council, and Mayor Brown stated that he would have the Legal Department take a look at it. Council Members Boney, Todd and Keller absent.

There being no further business before Council, the City Council adjourned at 9:56 a.m. upon MOTION by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Boney, Todd and Keller absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary