

City Council Chamber, City Hall, Tuesday, October 16, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 16, 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; Ms. Josephine S. Wiginton, Division Chief, Contracts Division, City Attorney's Office; Mr. Richard Cantu, Director, Citizens Assistance Office, Ms. Debra Dillard, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:02 p.m. Mayor Brown stated that they had a number of Council presentations and he would begin with receiving something from the Pakistan American Volunteers Association and invited the members present to join him at the podium.

Mayor Brown stated that as a result of the terrorists acts that occurred in New York, Washington, D. C. and Pennsylvania people in the City had asked what they could do, that he was very proud that Houstonians had done a lot, that they had given blood, held prayer vigils and held themselves together in unity, that also they had given money, and that was extremely important and was why what was going to be presented today was very much in the spirit of what Houstonians had done, that his main request to Houstonians at this time was to remain united and to support the President as well as to pray for those who lost their lives as well as the military people who were now in combat, but yet there were those who went beyond that and thought about the material needs about those who were in New York and more importantly to do something about it and he asked Ms. Isa to come to the microphone and make the presentation. Council Members Goldberg, Boney, Todd, Keller, Castillo, Bell, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Ms. Isa stated that she wanted to thank them for the opportunity to come to the City Council and present a check to the Red Cross, that the Pakistani Americans living in Houston condemned that cowardly act which took place on September 11, 2001, that no religion in the world allowed them to kill a human being, that even when their prophet went to war he would ask his soldiers to be very careful and not even harm a tree as there was life in that tree, that their hearts went out to all those innocent victims who lost their lives in their barbaric act, that she and her friends decided that they would like to raise some money for the American Red Cross and they were present today to present the check to the Red Cross. Council Members Goldberg, Boney, Todd, Keller, Castillo, Bell, Sanchez and Robinson absent. (NO QUORUM PRESENT)

The Representative of the Red Cross stated that on behalf of the Red Cross she thanked the Pakistani American Community as well as all Americans who were helping them help their friends in the northeast, that they would continue to do their job well. Council Members Goldberg, Boney, Todd, Keller, Castillo, Bell, Sanchez and Robinson absent. (NO QUORUM PRESENT)

A representative of the Pakistani American Community stated that he wanted to thank Mayor Brown and the City Council for their leadership to the City and to the support they had given their community during this difficult time, that President Bush stated that tragedy had come to them and they were meeting it with the best that was in their country, with courage and concern for others, because this was America and this was who they were, that the tragedy of September 11, 2001 had touched the lives of every American, whether native born or immigrant, people of many different races, cultures and religions died tragically that day, that the Pakistani Community was proud to stand beside the Country and unite with all Americans of every nationality and affiliation to support the relief effort and give comfort to the families of the people who lost their lives, that he would like to thank the American Red Cross for everything that the

organization stood for and towards all people in need, that the Pakistani American Volunteer Association was proud to assist in this effort, together they could help their Nation heal and rebuild and he stated that they had a check for \$40,000 from the Pakistani Community. Council Members Goldberg, Boney, Todd, Keller, Castillo, Bell, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Council Member Quan stated that he believed they all abhorred domestic violence and this month they had Domestic Violence Awareness Month, that they were pleased to have with them from The Bridge Over Troubled Waters two ladies who were deeply involved in this issue, Linda Medesca and Jackie Garner, and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston proclaimed the month of October 2001 as Domestic Violence Awareness Month in Houston, Texas. Council Members Goldberg, Boney, Todd, Keller, Sanchez and Robinson absent.

A representative appeared and thanked Council for joining with them as they proclaimed the month of October part of the National Domestic Violence Month, that the awareness campaign that they had chosen for this year was called Breaking the Silence, because abuse in the home created a shroud of shame and this shame was often more pervasive in four population categories, with teenagers, disabled, women of color and women over the age of sixty, that their goal had been to have activities that focused and reached out to this group to show that there was hope, solutions and resources. Council Members Goldberg, Boney, Todd, Keller, Sanchez and Robinson absent.

A representative on behalf of The Bridge Over Troubled Waters appeared and thanked Council for standing with them in the fight against domestic violence in all of their communities. Council Members Goldberg, Boney, Todd, Keller and Robinson absent.

Council Member Galloway invited the Board of the Eastside Village Community Learning Center and the Reverend Manson Johnson to the podium and presented a proclamation and Mayor Brown hereby proclaimed October 16, 2001 as Eastside Village Community Learning Center Day in Houston, Texas. Council Members Goldberg, Boney, Todd, Keller and Parker absent.

Reverend Johnson stated that he wanted to thank them for the proclamation and assured them that Eastside Village Community Learning Center would be a shining star in the City of Houston through Southeast Houston Community Development Corporation, that both of them were both 501C3 non profit entities and were proud to be returning Third Ward to standards in economic development as well as education, especially bridging or upgrading the digital gap through offering technology, learning skills and personal experiences with technology for students, youth as well as adults. Council Members Goldberg, Boney, Todd, Keller and Parker absent.

Council Member Todd stated that they were pleased to have Mr. Dick Buetel who had organized the Wings Over Houston Air Show for 17 years and presented a proclamation and Mayor Brown hereby proclaimed October 19 through 21, 2001 as Wings Over Houston Air Show Festival Days in Houston, Texas. Council Members Galloway, Goldberg, Boney, Ellis, Keller and Robinson absent.

At 2:21 p.m. Mayor Brown asked that before they began their agenda if they would join him in a moment of silence for the firefighter who lost his life this weekend. Council Members Boney and Keller absent.

Mayor Brown called to order the meeting of the City Council, and Council Member Tatro led

everyone in prayer and the pledge of allegiance. Council Members Boney and Keller absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Boney and Keller absent.

Council Members Vasquez and Tatro moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Boney and Keller absent.

Mayor Brown stated that they had an extremely long list of speakers and therefore he was going to invoke the one minute rule and asked the City Secretary to read the Council rule regarding the one minute rule.

The City Secretary stated that in Chapter 2 under the Rules of Council if the requested time by speakers was greater than 150 minutes the Mayor shall announce that each speakers time should be one minute, furthermore when this provision was enacted then the total time for Council Members to question members of the public was collectively also one minute. Council Members Boney and Keller absent.

Council Member Tatro moved to suspend the rules to add Mr. David Eng to the speakers list after Mr. Jack McReynolds, seconded by Council Member Parker. All voting aye. Nays none. Council Members Boney and Keller absent. MOTION 2001-1106 ADOPTED.

Council Member Galloway moved to suspend the rules to hear Ms. Mary Taylor out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Boney and Keller absent. MOTION 2001-1107 ADOPTED.

Mr. Pete Patterson, 909 Fannin, Houston, Texas 77010 (713-654-7807) had reserved time to speak, but was not present when his name was called. Council Members Boney and Keller absent.

Mr. Erroll Cunningham, 7010 Machard, Houston, Texas 77053 (832-473-3014) appeared and stated that he was present to complain about the wrecker ordinance, that the one ton trucks did a very good job out there, that they did not have any problem towing cars, that they were building cars lighter and the ton and half trucks were not necessary, but were more of an expense, that the million dollar insurance policy was more expense and it was passed on to the consumer and they were not helping the consumer by passing it, that the same type truck played just as an important part as the wheel lift or rollback, that they needed all three trucks, that in some cases the sling would tow what the rollback would not tow and in some cases the same truck would tow what a wheel lift would not tow, that as a matter of fact they were only picking up half of the vehicle, they were not picking up the whole vehicle, only the rollback did that, that he did not think they needed the bigger trucks. Council Members Tatro, Boney, Keller and Castillo absent.

Mr. David Gomez, 2717 Hadley, No. 1, Houston, Texas 77004 (713-545-0980) appeared and stated that he was present to let them know that everyone was going to be affected by this, the minorities especially, that he worked for a company, not a big company, but it was just one truck and he was the only driver, that he had a family and they were all going to be affected by it, all the drivers, the workers and all the owners especially, that he just wanted to make the point that they were all going to be affected, that he had a job do to and he did it right and he had a family also. Council Members Boney, Keller and Castillo absent.

Mrs. Mary Taylor, 403 Fashion Hill, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present from Willow Run, that it was out north I45 and West Gulfbank, that

she had her home done by the Urban League and they did not do her work correctly, that they had two different crews out there and none of them were able to do the job correctly, that they were unskilled people and she was asking if they could send some skilled people out there so they could complete her home in the way it should be. Council Members Boney and Castillo absent.

Mayor Brown stated that Mr. Donald Black from the Urban League was present and would met with her and see if they could get this taken care off. Council Members Boney and Castillo absent.

Ms. Cindy Diggs, 50 Briar Hollow, Houston, Texas 77092 (713-960-9300) appeared and stated that along with her family, who were the owners of a small towing company and storage lot in the City of Houston, supported the amendments to the proposed multiple contracts, that as small business owners they supported it, that she was an attorney and had been practicing for 17 years and had successfully argued before the 5th Circuit on multiple occasions and had read the Cardinal and Stuckey decisions and it was her opinion that those proposed amendments were consistent with the regulatory scheme that the court explained in the Cardinal and Stuckey cases, that it was her belief, and she had a handout for the Council, that according to that case the 5th Circuit had provided that it was acceptable for cities to regulate non consent tows with respect to market participation, that the Stuckey case and the Cardinal decision held that there was an exemption to cover government exclusive power that applied to cities that sought to be market participants with respect to non consent tows, which was what of course the proposed amendments as well as the contract provided, that specifically those cases stated that any city, including the City of Houston, according to the 5th Circuit, were entitled to pass ordinances in order to take care of the City's needs, that the handout that they had presented demonstrated that for each of those regulations, regulations as to zones, regulations as the specifications on the trucks and so forth and so on, were market participant reasons, that specifically Cardinal Towing quoted in the Stuckey case that most government contracting decisions did not constitute concealed attempts to regulate, giving the City a presumption in this case, that these regulations or requirements would be valid as market participants. Council Member Boney absent.

Mr. Chris Cook, 4812 W. O.S.T. Dr., Houston, Texas 77013 (713-675-6109) appeared and stated that he was with Triple C Wrecker Sales and it was his uncle that built the pole style sling trucks in the City of Houston and he had been building them for most of their life, that it was his opinion that the wheel lift and the 15,000 GBW truck was necessary for their image and for the safety of the towing equipment in the City of Houston. Council Member Boney absent.

Mr. Isa Skafi, 211 W. 23rd, Houston, Texas 77008 (713-515-3548) appeared and stated that they had been in business since 1937, Master Auto Service in the Heights, that he had been an owner operator of a truck for 18 years and they had enjoyed the sling trucks, that it was a good effective piece of equipment, however it had outgrown its use, that the vehicles that were produced now did not require a sling truck, that the wheel lift would do any job that the sling could not do without damage, that they were for the open ended contract and for the amendments. Council Members Boney and Castillo absent.

Ms. Terri Miller, 7200 Eastex Freeway, Houston, Texas 77093 appeared and stated that she was representing Miller and Son Wrecker Service, a family owned business since 1975, that she was in favor of the open contract and the four amendments presented to Regulatory Affairs because 90% of her business was based on non consent tows, that she was willing to do whatever it took to continue the 90% business by adhering to the amendments set forth, that currently her fleet consisted of three trucks and she would be losing two but was willing to do whatever it took to continue. Council Members Boney and Castillo absent.

Ms. Erma Palmer, 6939 Old Clinton, Houston, Texas 77020 (713-673-3050) appeared and stated that she was representing Unified Auto Works, its 14 employees and the citizens of Houston, that hers was a collision repair facility, a towing service and a storage lot, that she was in support of the proposal with its amendments before City Council, particularly zoning, insurance, equipment and TranStar, that by supporting the amendments she would personally lose 25% of her business because she would not be able to operate one of her trucks, which was a sling unit, that in the body shop she had seen more damage done to vehicles by a sling unit, that she would rather lose a percent of her business and still be able to be in business, that every major city had done away with the slings because they damaged customers vehicles, that without any standards or regulations they did not know who was towing citizens vehicles and did not know where they were taking them and did not know if they had insurance, that by keeping the zones the vehicles would be towed and stored in that zone. Council Member Boney absent.

Council Member Castillo asked Ms. Palmer if any of the companies who used sub contractors to tow their customers cars used sling or other towing devices, and Ms. Palmer stated that to the best of her knowledge nobody who towed for a dealership used a sling. Council Member Boney absent.

Council Member Castillo moved to suspend the rules to hear Mr. Juan Hernandez out of order at this time, seconded by Council Member Parker. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-1108 ADOPTED.

Mr. Juan Hernandez, 1002 Lindale, Houston, Texas 77022 (281-830-2921) appeared and stated that he was representing Joe's Wrecker Service and they had been in business for seven years, that they had 9 wreckers on the road, that they supported the amendments for the towing contract and felt they should go back to the regulations so they could have some kind of ordinance for the wreckers, that they had wreckers coming into town and picking up cars and towing them to their storage lots outside of the City of Houston, that they had people looking for their cars and sometimes they were in Katy, Texas and some in Spring and with this open zones they had no regulations at all and no ordinance at all and it was causing a lot of chaos with the towing industry. Council Member Boney absent.

Mr. Alfred Canales, Jr. 6011 Liberty Road, Houston, Texas 77026 (713-672-1614) appeared and stated that he was the owner of Model Automotive Enterprises and they had been in business since 1937, that he owned three wreckers at the present time, that he supported the towing agreement that Council might vote on next week with the amendments for the zone, insurance and the capability of the trucks, that he had three trucks and would have to replace one in order to still have three trucks, but he believed that it was in the best interest of the citizens of Houston to have some type of commitment or regulation in order to give peace, not only to the citizens but to everybody concerned. Council Member Boney absent.

Mr. Jeff Newman, 6201 Indigo, Houston, Texas 77074 (713-981-8697) appeared and stated that he represented Bellaire Towing, that he was for the new amendments that had been proposed, that he was a small guy and had two trucks, that he would lose one which was a sling unit, that he did tow for a dealership and the dealership required him to go out and buy a flatbed to tow just for them along with the higher insurance requirements with the higher GBW's, that the dealership did require a one million dollar policy and this was better for the whole industry and the citizens of the City of Houston as far as protecting their cars. Council Member Boney absent.

Mr. David Diggs, 4944 Dacoma, Houston, Texas 77092 (713-462-2969) appeared and stated that he owned one wrecker in the City of Houston, that he drove a sling truck until just a

few months ago and bought a wheel lift because he was tearing up cars, that the slings tore up spoilers, that he carried a million dollar coverage on his truck because it was the smart thing to do, that he had been driving in the City for 17 years, that he did a few Triple A type calls and they required that they have a wheel lift or rollback and they would not have anything to do with a sling, that they tear up cars, that even if they did not see the damage right then, they could hook a boot or tear the bumpers off, that he was not saying that nothing happens with the other trucks, but it was less likely, they ride on their own suspension and it was just a little better for everybody involved, that the zones, he was in it before they ever had zones and then they changed to zones, and then they went to where they could tow the car but they had to stay in that zone, and the zones were a good thing. Council Member Boney absent.

Mr. Henry Holman, 1136 Nadine, Houston, Texas 77009 (713-694-4647) appeared and stated that he would be losing all of his trucks but he was for the amendments because they needed to cleanup the industry and needed to be able to serve the citizens, that anything that he had ever been involved with they had to buy the equipment to play, that it was just a matter of getting up to the plate and hitting it, that he had kids in college, had a family, buried his wife two years and was at M. D. Anderson for four years, that he had a family too, but he was by himself, that he had a daughter at Texas A&M, that he was for the change, that they had to get the crowd of thirty trucks at one call away, that they had trucks from Beaumont and Conroe and if they wanted to play they were going to all be on the same plate bill. Council Member Boney absent.

Mr. Ken Ulma, 1700 Brittmoore, Houston, Texas 77043 (713-851-4483) appeared and stated that he had been in the towing business all of his life and he completely supported the four amendments that were being considered, however he was afraid that the negative affects of the system they operated in today were being understated, and by this he meant the affects on the environment and the air they breathed, that lets face it, that police, firemen and emergency personnel at the scenes of accidents and abandoned cars and the like were imperative, however without well trained and efficient and effective towing professionals the scene just could not be moved and traffic flow reinstated, that he had participated in incident management meetings in Virginia, Baltimore and Houston with towing operators attending from as far away as The Netherlands, that Houston was the only City that did not have specialized incidence management trained towing professionals with specific equipment to address the problems of traffic congestion, yet they had TranStar, one of the most advanced freeway and major thoroughfare monitoring systems in the world, that Tom Lambert, the chief of Metro and a proponent of TranStar wanted to utilize the towing industry for incident management, however this would never take place with the chaotic towing system they had in Houston today, that frankly today they created more problems than they solved. Council Member Boney absent.

Mr. Todd Hill, 3315 Roseland, Houston, Texas 77006 (713-528-9172) had reserved time to speak, but was not present when his name was called. Council Member Boney absent.

Ms. Marcia Olivarez, 3820 Weems Street, Houston, Texas 77009 (713-699-0832) had reserved time to speak, but was not present when her name was called. Council Member Boney absent.

Ms. Bernice Wallace, 8014 Folkston, Houston, Texas 77045 (713-991-0646) appeared and stated that she was addressing the violations of the Heavy Hauling Program, that their pickup day was the second Thursday of each month and some residents had already placed trash out a few days following and it remained out the rest of the month, that the problems were that there were not enough inspectors to do the massive job under the present structure, that if a few of these violations could be ticketed and taken to court the word would get around, that she had been informed that the inspectors could not ticket a violation unless someone was home, that her suggestion was to have the inspector work just one evening per month whereby more people

would be home, that also why was a violator, if at home, given seven days to remove the trash, that placing the trash out too early was in violation of the City ordinance, that they should be ticketed right then, that the inspectors should not have to make a second trip out to check, that this would cut down on their work load and solve the problem. Council Member Boney absent.

Mayor Brown stated that Ms. Alice Coffee was present to met with her and work with her on her concern. Council Member Boney absent.

Mr. Albert Lincona, 4816 Brock, Houston, Texas 77023 (713-478-9622) had reserved time to speak, but was not present when his name was called. Council Member Boney absent.

Mr. Trent Winters, 7967 W. Airport Blvd., Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called. Council Member Boney absent.

Mr. Ghebresslassie Kidane, 3214 Chalfont Dr., Houston, Texas 77066 (281-580-7075) had reserved time to speak, but was not present when his name was called. Council Member Boney absent.

Mr. Sule Salawu, 10522 Beechnut, Houston, Texas 77072 (281-564-3616) appeared and stated that he was present to let them know about a drawing that was supposed to have been held on October 3, 2001 at 1:30 p.m. at 900 Bagby, that he was there that day and there was no public drawing held and at that time a lady came down just to announce the results of a drawing of the taxi cab permits, that he had already asked his lawyer to send a letter the Mayor and to all concerned and would look forward to any positive response from them, and that was why he was present, to let them know what was going on. Council Member Boney absent.

Mayor Brown stated that Ms. Paez was present and would meet with him and she would look into the issue that he was bringing to their attention. Council Member Boney absent.

Mr. Henry Mamukuyomi, 3611 Yosemite, Houston, Texas 77021 (713-498-1211) appeared and stated that he had been living in Houston for 22 years and had been driving a cab for the past 20 years, that he had applied for a medallion four times and when the City granted him permission for the permit at the end of the year and he had never received it, that he was instructed to come for the public drawing, that he was qualified, but when he got there the lady did not do a public drawing she just picked the names of the people that she wanted to call and he wanted to know the reason why he was not qualified to have the medallion, that he wanted to know why he was not qualified to be a City permitted driver. Council Members Boney and Sanchez absent.

Mayor Brown stated that as they knew the City Council did approve a process for awarding additional medallions and would ask Ms. Paez to meet with him and explain what happened in his particular case and with his particular application, that for him to meet with her out in the lobby and she could explain what happened to his application. Council Members Boney and Sanchez absent.

Mr. Fedelif Uzoka, 3035 Walnut Bend No. 28, Houston, Texas 77042 (713-781-6439) had reserved time to speak, but was not present when his name was called. Council Members Boney and Sanchez absent.

Mr. Christophe Okafor, 8802 Pecan, Houston, Texas 77071 (713-478-1948) appeared and stated that he was present to oppose the issuance of the 30 medallions that were recently issued, that just as the two previous speakers had stated they had been having a lot of

discrepancies in the issuance of medallions, that the 30 medallions that were recently issued was not fair and they had no idea even when they had the revision of the City ordinance, that for the two to three weeks that they had the discussion nothing was mentioned about the 10,000, but they managed to raise money to put some money down and did not see the rationale why the people who were qualified should not get one, while someone who also qualified should take five, even if they had 30 medallions, that the people who were getting five, four or three were those were favored with sixteen, seventeen and forty medallions in the last issuance.

Mayor Brown stated that he would ask him to do the same thing as the previous two speakers and that was to meet with Ms. Paez who could explain exactly what happened in reference to his particular application. Council Members Boney and Ellis absent.

Mr. Noel Elijah, 7900 Leawood, No. 815, Houston, Texas 77099 (713-446-5733) appeared and stated that he had been living in Houston for the past 20 years and had been driving a taxi for the last 18 years, that he applied for a medallion for more than three times and each time he applied he was not given one, that on this last one they said he was qualified and they said it was going to be through balloting, which they had only three for the newcomers, that the way they conducted the balloting was not proper, that the lady came in and picked three names without shaking the papers for someone else to pick them out, she just picked them out and called out the names and said the rest were not qualified, that for him when someone had a business for a long time, like after 20 years or 18 years, they would be promoted, but rather in this case instead of they being given at least one medallion they were ignored and the medallions were given to newcomers, that it was not fair and he thought they should look into it. Council Members Boney and Ellis absent.

Mayor Brown stated that he should also meet with Ms. Paez out in the lobby and she would go over what happened in his case. Council Members Boney and Ellis absent.

Ms. Gladys House, 6105 Andrews, Houston, Texas 77019 (713-742-6995) appeared and stated that she was present to address three of the Freedman's Town projects that the Freedman's Town Association had worked so hard to get funding for, however they had been totally excluded from each of the projects, that one in particular was the 1501 West Webster project, that she really applauded Mr. Doug McKenna from the Department of Housing and Community Development who worked very hard with the Freedman's Town Association to bring this issue for approval before Council repeatedly and she was really disappointed that the City Attorney had recommended, based on his speculation, that the block of land should be sold to someone else, that was not even the whole purpose of that project, that it came out of a complaint that they had won against the City of Houston.

Council Member Castillo moved to suspend the rules to extend the time for Ms. Gladys House, seconded by Council Member Sanchez. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-1109 ADOPTED.

Ms. House further stated that on the Gregory project there was a typographical error, it was saying Gregory Lincoln when it should say Edgar Gregory Elementary School; that on the trolley project they had made their concerns known repeatedly, but they continued to be ignored by Public Works, which was to totally terminate Carter Burgess and Janet Wagner from the project, they were approved without their knowledge, that everything had been done without their knowledge and they had worked hard to raise the money for those projects and submit the proposals, but yet the City was making all of the decisions and calling the shots which was contrary to the whole purpose of the projects.

Mayor Brown stated that on the 1501 West Webster project, as she knew it had been

brought before Council two times and sent back, that the issue had not been resolved and if she had any additional information she had or if there was anything she thought they should do to let him know, and Ms. House stated that it was misinformation because the TNRCC had approved and waived the toxicity on that particular site and she and Mr. McKenna had come to Council with the certification from that entity, and Mayor Brown stated that they brought it before Council twice and each time Council sent it back; that on the second item as she knew Mr. Buddy Barnes was now assigned to work with her with the instructions that they get this done and have her involved in the process as they went along doing it; that on the Gregory School they had run into somewhat of a roadblock that was not their making and that was the historical designation, which treated it about the same as the Alamo, and Ms. House stated that was good though because some big developers were just trying to tear down one of the historical sites and build some lofts on the site which was totally contrary to the whole historic district, and Mayor Brown stated that they would make sure to continue to work with her on this because she was doing a good job representing the community and they wanted to make sure they were doing the right thing. Council Member Boney absent.

Mr. Darrell Scott, 601 Broadway Blvd. No. 1275, Houston, Texas 77061 had reserved time to speak, but was not present when his name was called. Council Member Boney absent.

Ms. Jean Henderson, 8627 Willow Meadow Dr., Houston, Texas 77031 (713-988-1444) had reserved time to speak, but was not present when her name was called. Council Member Boney absent.

Ms. Amelia Munoz, 13534 Boise, Houston, Texas 77015 (713-330-0616) had reserved time to speak, but was not present when her name was called. Council Member Boney absent.

Ms. Dana Davis, 12000 W. Tidwell No. 2902, Houston, Texas 77091 (713-680-0211) had reserved time to speak, but was not present when her name was called. Council Member Boney absent.

Ms. Jannelle Wilson, 6100 Knox Avenue, Houston, Texas 77091 (713-696-2600) appeared and led her students to the podium to speak. Council Member Boney absent.

Ms. Celeste Green, 6100 Knox Avenue, Houston, Texas 77091 (713-696-2600) appeared and stated that she was an Eighth grade student at M. C. Williams Middle School, that due to the educational climate of the Houston Independent School District there were certain explanations of every educational institutional within, that each school was required to provide the best service possible to its staff and students, nevertheless it was fair to conclude that schools were based in different social economic status communities, that sadly schools located in the lower SES developments were poorly represented by the reason of factors outside of each domain. Council Member Boney absent.

Ms. Whitney Hodge, 6100 Knox Avenue, Houston, Texas 77091 (713-696-2600) appeared and stated that she was an Eighth grader at M. C. Williams, which brought them to the purpose of their visit, that they were students at M. C. Williams Middle School, that the location of their school was northeast Houston, to be exact 6100 Knox Avenue. Council Member Boney absent.

Mr. Pratik Bhatka, 6100 Knox Avenue, Houston, Texas 77091 (713-696-2600) appeared and stated that he was an Eighth grader at M. C. Williams Middle School, that this area was a haven of drug activity, routine gang conflicts, drug houses, trash ports, car lots and many other hazardous monstrosities, that these harsh realities were the circumstances that the staff and students faced daily. Council Member Boney absent.

Mr. Glynn Moses, 6100 Knox Avenue, Houston, Texas 77091 (713-696-2600) appeared and stated that he was an Eighth grader at M. C. Williams, that something must be done, that the administration and staff at M. C. Williams had established various before and after school activities to provide student population with extracurricular activities, that many staff members went beyond of duty to insure educational success for their students and he could honestly say that they were doing their part. Council Member Boney absent.

Mr. Theodore Harris, 6100 Knox Avenue, Houston, Texas 77091 (713-696-2600) appeared and stated that he was an Eighth grader at M. C. Williams Middle School, that they at the M. C. Williams Middle School were asking their community representatives what they could do for them, that they deserved equal representation regardless of the condition of their surrounding neighborhoods. Council Member Boney absent.

Mr. Jose Serna, 6100 Knox Avenue, Houston, Texas 77091 (713-696-2600) appeared and stated that they were asking the following renovations, demolish abandoned houses, provide the entire street with large crepe myrtle trees from Tidwell to Willow Forest, repave the streets, enhance the appearance of the sidewalks on both sides of the street, which extend the length of Knox Avenue. Council Member Boney absent.

Mr. Darion Flowers, 6100 Knox Avenue, Houston, Texas 77091 (713-696-2600) appeared and stated that was an Eighth grader at M. C. Williams Middle School, that please consider this, that he too was the future and as a future politician one day he may face a child seeking shelter from the storm, allow him one last question, allow him one last statement rather than a question, would they send their child to his school. Council Member Boney absent.

The students displayed one chart and stated "this is what our school looks like" and displayed another chart and stated "this is what we want it to look like", and Mayor Brown stated that they had done an excellent job in making their point and thought they all understood it, that he wanted to do two things, that he wanted to ask Ms. Monticella Flannigan, with Neighborhood Protection unit to meet with them along with the police department's Assistant Chief Stewart to deal with the issue of drugs and crime that they talked about and they would meet with them right now and they could tell them what they were going to do so they could be responsive to their being present, that they had done a very outstanding job and he was very proud of their bring their issue to Council. Council Member Boney absent.

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Council Member Boney absent.

Mr. Elmer Collins, 4008 Colvin, Houston, Texas 77013 (713-674-1564) appeared and stated that he was present to ask for Mayor Browns support, that he was a native Houstonian, Viet Nam Vet and a former police officer, that he lived on Colvin Street and most everybody on Colvin Street were senior citizens and they had propane, that what they needed was natural gas, that he was present to represent those who could not make it and they were asking for their support, that he had talked with Entex and they wanted them to put up \$10,000 to run a gas line down Colvin Street, that they were all taxpayers and the people on Colvin Street did not feel that they should have to take the little money they had to run a gas line down to their property on Colvin Street and asked Mayor Brown if they could depend on his support. Council Members Galloway, Goldberg and Castillo absent.

Mayor Brown stated that he would ask Mr. Richard Cantu to meet with him and see what they could do to be helpful to him. Council Members Galloway, Goldberg and Castillo absent.

Mr. Delton Horace, 9901 West Montgomery, Houston, Texas 281-960-5956 had reserved

time to speak, but was not present when his name was called. Council Members Galloway, Goldberg and Castillo absent.

Mr. Homer Salinas, 6718 Kernal, Houston, Texas 77087 (713-923-5421) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg and Castillo absent.

Mr. Justo Salina, 8000 Three Capital, Houston, Texas 77012 (713-921-5927) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg and Castillo absent.

Mr. Fabian Hernandez, 8713 Twantin, Houston, Texas 77061 (713-203-0019) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg and Castillo absent.

Mr. Dale Speck, 840 Mulberry, Bellaire, Texas 77401 (713-664-1800) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg and Castillo absent.

Mr. Junius Eaghin, 9846 Balsam, Houston, Texas 77018 (832-969-5353) appeared and stated that he was present to say that he wanted to be in business, that he was the owner of Snaps Towing and had one truck, that he was not opposing the proposal that was being put out, but he had a family to take care, that he was just able to put a decent truck out on the street and now they were telling him that he might have to go and get a ton and a half truck, that he could not afford to do that, that they were talking about a million dollar insurance policy and he could not afford to do that, that they should let it go back to the way it was before, that it was organized and was professional before the State took over, that if the citizens wanted a wheel lift or flat bed to let the citizens decide and pick, not people who were saying to buy a truck, that it was not that easy to just buy a truck, that his area was not that busy, that he could not afford to go and buy a \$50,000 every four or five years, that he could not do it, that his kids depended on him everyday for the living he had to do for his kids. Council Members Galloway and Todd absent.

After loud applause Mayor Brown requested the City Secretary to tell them the rules about demonstrations in the City Council Chambers, and the City Secretary stated that any bud outbursts of applause or yelling or anything of that nature were prohibited under the rules of Council, except for presentations, and Council Members would appreciate their abiding by those rules, that the Council Meeting could proceed much more rapidly. Council Members Galloway and Todd absent.

Mr. Fabian Hernandez, 8713 Twantin, Houston, Texas 77061 (713-203-0019) appeared and stated that he was in the same position as the previous speaker, that he opposed the new City wrecker ordinance that they were trying to vote on, that he also opposed the heavier trucks and the million dollar insurance coverage because it was going to cost him more money, that he already owned a wrecker, a 1999 and wheel lift, that it suffices the towing of the vehicles that he did now, that it did the job so he did not understand why they would need a heavier wrecker to do the job. Council Members Galloway and Todd absent.

Mr. William Bellyork, Jr., 8855 Gulf Freeway, Houston, Texas 77017 (713-398-8001) had reserved time to speak, but was not present when his name was called. Council Members Galloway and Todd absent.

Mr. Joseph Marroguin, 12018 Carlsbad, Houston, Texas 77085 (713-927-6398) had reserved time to speak, but was not present when his name was called. Council Members

Galloway and Todd absent.

Ms. Rita Ruth, 105 South 7th, Highland, Texas 77562 (281-426-4372) had reserved time to speak, but was not present when her name was called. Council Members Galloway and Todd absent.

Mr. Ken Caplan, 1816 Elmen No. 6, Houston, Texas 77019 (832-215-8939) had reserved time to speak, but was not present when his name was called. Council Members Galloway and Todd absent.

Mr. Tim Sawyer, 4402 Deer Lodge, Houston, Texas 77018 (713-819-6150) appeared and stated that for well over a year now area residents had been seeking to stop the expansion of Rosslyn Road via a bridge and had sought the partial abandonment of land south of the drainage canal, that this process had caused many questions and suspicions to be raised, for example, why had the petition of more than 2,000 individuals affected been ignored even when many had continued to show up at Council and Planning meetings in protest, that why was the City going against its 1992 pledge not to extend Rosslyn Road, and why was the City engaging in unfair and unequal treatment, that why had the City been compelled to hide behind legality and the threat of a potential lawsuit yet offers no precedent case to substantiate their position; why had the City tried to bluff 7 retirees to purchase 65,000 feet of worn out concrete as a scare tactic to get the affected residents to stop their opposition to the extension of Rosslyn Road; why had the City contended that they had no control over the developers activities, did the Mayor reject its use of police powers; why had the City chosen to ignore a racially diverse constituency in favor and exploited economic special interests; why had the City ignored citizen concerns regarding flooding when it had been proven that the current drainage system was at 100% capacity, that FEMA and the Corp of Engineer had yet to be consulted by the City even though numerous regulatory agencies had documented their concerns, and he asked Mayor Brown what other roadblocks did the City intend to use to force the extension of Rosslyn Road upon the residents, that if in good conscious the City could say it was not their intent to force the extension of Rosslyn Road upon the residents then put the issue before Council for a vote, that 10 of the 14 Council Members had stepped up and signed the petition to put partial southern abandonment to a vote and now was the time to act, that they appreciated those Council Members who had stepped up and offered. Council Members Galloway, Boney and Todd absent.

Council Member Castillo asked the Legal Department just exactly what was the City's position on this, and Mr. Stephen Lewis stated that he did not think he could affectively state the City's position but he could give them the Legal Department's opinion, that they believed that abandoning a portion of the right of way to the south of the drainage ditch, the so called southern abandonment, would leave the City potentially liable for an inverse condemnation lawsuit by the owner of the property to the north, the owner who wished to develop the property, and their evaluation was that they may have some significant risk of losing such a lawsuit and being forced to pay the diminution and the value of the property as a result of the partial and permanent impairment of access, and Council Member Castillo asked Mr. Lewis if he was saying that every owner of property had an inherent right of access to his property and Mr. Lewis stated that was correct, that there had been some recent cases involving a permanent but partial impairment of access, but this case, by closing Rosslyn to the south, would not cut off all abandonment to the property, and in years past totally cutting off access was a serious problem, but in recent years courts had been finding for the landowners where they partially but permanently impaired access, that in this case the owner clearly planned to develop the property and had planned to use the southern route as the most feasible one for developing his property and the Legal Department believed that the City would be placing itself in jeopardy of a lawsuit, one that they could well lose if they did that, that certainly there was not prohibition to the City abandoning any streets it wants or refusing to abandon any street it wants, that it was just a matter of doing so.

Council Members Galloway, Boney and Todd absent.

Upon questions by Council Member Robinson, Mr. Lewis stated that the most likely remedy, and believed perhaps the only remedy, in a case of inverse condemnation was for the City to have to pay the diminution and value of the property, that value of the property before they cut off access compared to the value after they cut off access, that the actual valuation would be made as of the so called date of taking, which would be the date that they effectively denied access, so typically they would have appraisers testify as to the value of the property with access and its potential for development and its value without access. Council Members Galloway, Boney and Todd absent.

Council Member Parker stated that her understanding had been that the developers had an active request for northern abandonment in play for some time and asked if they had disposed of that request, and that request came long before the request for southern abandonment, and Mr. Lewis stated that was correct, that the request for northern abandonment went to the Joint Referral Committee, but first it went to the Planning Commission and apparently it was incorrectly proposed to the Planning Commission in that it did not give all the requisite information required and they turned it down, that there were discussions with the developer about reapplying for the northern abandonment along with some other safeguards to make putting a bridge less troublesome to the neighborhood to the south, such as limiting truck traffic and that sort of thing during construction and move in and coupled with the northern abandonment the neighborhood groups apparently were opposed to that and the developer, Mr. Shepherd, withdrew his request for northern abandonment and had not pursued it further, and Council Member Parker stated that now she understood that Mr. Shepherd had an additional application to the City for a bridge permit and asked if that was correct, and Mr. Lewis stated that was his understanding but he had not seen the application, that to date he was not aware of it being approved or disapproved. Council Members Galloway, Boney and Todd absent.

Upon questions by Council Member Keller, Mr. Lewis stated that the developer's initial request was turned down by the Planning Commission because he failed to present it properly to them and did not think that he actually filed a second one. Council Members Galloway, Boney and Todd absent.

Council Member Bell stated that people came to Council on an almost weekly basis saying that if they did or did not do something that they were going to sue and he had never heard the City Attorney's office step forward and say they should not do it because they did not want to be sued.

Council Member Tatro stated that he wanted to thank the Council Members who helped them by signing the petition, that he appreciated the Legal Department's analysis of this, but it had long not been an issue in their opinion, it had been an administrative issue and a protection issue of the area and the neighborhood all the way from Oak Forest and Acres Homes, that they believed that it was not a legal opinion it was an administrative decision that needed to be made by the Mayor to request that the Joint Referral Committee proceed to do the paperwork and due diligence to move that forward. Council Members Galloway, Boney and Todd absent.

Mr. Jack McReynolds, 4414 Rosslyn, Houston, Texas 77018 (713-867-5311) appeared and stated that he wanted to reiterate that they would like the Mayor to act upon the petition, that the matter did not need studying it had been studied since 1992, that if they were talking about legal worries he had a promise letter from the City dated 1999 for a turnaround at the dead end, that they had forgotten their promises, that he would like to mention a couple of things they would like to do if they would like to listen to their constituents, that they had already collected the money and would like to give the City a little pocket park at the end of Rosslyn, that they had

collected the funds for this, and there would be a few more benefits for the City, some of his neighbors would get to pay more property tax because they were willing to buy the land to protect the neighborhood, that the City had not used their police cars to give them that protection, that it seemed to be their only choice, that they had already done a great job in discussing it so why did they not go ahead and officially put it on the agenda. Council Members Galloway, Boney and Todd absent.

Council Member Tatro stated that the drawings had been submitted and they were getting a copy of those from the Planning Department. Council Members Galloway, Boney, Todd and Parker absent.

Council Member Bell asked Mr. McReynolds if he had ever received a response from the City as to the letter he mentioned and Mr. McReynolds stated that they said a work order had been issued, that he had pursued it with the City, that he talked about it before Council and with Public Works as a part of the entire Rosslyn situation, that as far as it went they never had a response officially from any City members or a request for southern abandonment, that it had been completely ignored, that the letter promised a turn around at the dead end of Rosslyn. Council Members Galloway, Boney, Todd and Parker absent.

Mr. David Eng, stated that as to the fear of a lawsuit as far as valuation it was purely speculative, that when someone purchased a piece of property there was not guarantee for a return on their property, that it was not the City's job to guarantee a return on that property, what the City was supposed to do was to see if there was a safe condition, if someone submitted their bridge specifications, if it met traffic, safety and flooding requirements, that it had been recognized that this subdivision when it was on a smaller scale the traffic was considered too much for another neighborhood, when it was going to be accessed through another neighborhood, that this development could be access via two existing access right now, that it was just a choice of where the access was and the choice was merely economics, that they believed that partial southern abandonment provided them with a defense to a lawsuit, that the developers had two chances at bat and it seemed that the citizens and the neighborhoods got no chances at bat, as far as getting an opportunity to preserve their neighborhoods, that they would like to have their merits reviewed now. Council Members Galloway, Boney, Todd and Keller absent.

Mr. G. N. Carrington, 3620 Southmore, Houston, Texas 77004 (713-524-1486) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney and Todd absent.

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

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and voiced his opinion on the terrorists act on the World Trade Center and the Pentagon, until his time expired. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd and Keller absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd and Keller absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Eddie Castellanos, 7607 Arnim, Houston, Texas 77087 (713-645-4850) appeared with his attorney who stated that they had appeared two weeks ago discussing their position on the

towing of non consent tows, that to date they had the good fortune of meeting with one Council Member and had asked for meetings with all the Council Members, that the only one who entertained their request was Council Member Sanchez's office, that he was also an attorney and with respect to the arguments made by learned counsel earlier this was not a question about what the City's authority was, that it was very clear what the City's authority was, that the question was what was fair and the proposed amendments were not fair for everybody, and he asked that they tag that proposal, send it back to committee and work on it so that everybody could come to terms with it, that there was no grace period and they were asking these guys to one day be able to tow and the next day they would be unemployed, regardless of what percentage of what percent of the tows were non consent tows they should have the opportunity to do that work. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd and Keller absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Ellis asked if his argument was that they should give some type of a grace period and if he was not opposed to the amendments that had been proposed, and the attorney stated that certainly the grace periods would be very helpful, that he was not sure what would be a fair grace period but knew that when they changed the trucks up to one ton they were given a four year grace period, that he was not suggesting that was something that needed to be in writing, but it certainly had to be some period, that they were talking about equipment that a truck right now loaded in the form that it needed to be to comply would run the operators approximately \$50,000, that the State only requires \$300,000 of insurance and the proposal was one million dollars and that increased the premium from \$4,000 to \$15,000 per year per truck, that they had the quotes, and Council Member Ellis stated that he could be in favor of a limited grace period for this law to go into affect, but he disagreed with his other arguments. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd and Keller absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Charles Steinruck, 5615 Effingham Dr., Houston, Texas 77035 (713-721-3632) appeared and stated that as to the insurance factors they wanted them to have Workman's Compensation for their drivers and if they had Workman's Compensation for their drivers they were already paying the drivers 70% and the owners of the trucks were only making 30% so how were they going to pay Workman's Compensation for drivers. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller and Quan absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Ellis stated that it was his understanding that the Workman's Compensation component was not added to the proposal, and Mr. Steinruck stated that the other alternative was to have the middle industry take single contracts over the City, which they were going to fight against. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller and Quan absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Deborah Elaine Allen - would not give address or phone number had reserved time to speak, but was not present when her name was called. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller and Quan absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Josef Khanoyan, 2400 Fountainview, No. 204, Houston, Texas 77057 (713-628-9855) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller and Quan absent. Vice Mayor Pro Tem Castillo presiding.

Mr. William Beal, 4718 Boicewood Street, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor

Pro Tem Boney, Council Members Galloway, Todd, Keller and Quan absent. Vice Mayor Pro Tem Castillo presiding.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3 -4511) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller and Quan absent. Vice Mayor Pro Tem Castillo presiding.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that www.galvan.org, that his subject was printed wrong because it was from two weeks ago, that it was not a full moon, that he believed that Council Member Sanchez's birthday was coming up soon, that he was a Libra, that he missed his birthday and wished him a happy belated birthday, and expressed his campaign opinions until his time expired. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller and Quan absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Mark Embrey, 6456 McGrew, Houston, Texas 77087 (713-644-6400) appeared and stated that he was a small business owner with a small wrecker service and storage lot, that he had a couple of trucks on the road and they were older sling trucks and were quite effective, that they had been running the streets of the City for years, that a \$300,000 policy was what he paid currently and it had been quite sufficient over the years to handle any type of accident that may come about due to his trucks, that he was against the new propositions that were come about, that they were very divisive and would put the small business owner like himself out of work, that if for some reason they would have something more moderate such as eliminating the sling trucks, like his two trucks were, then he could gradually adjust to the market environment within in time, maybe a year or two, if these implementations were to come in to allow the small businessman a right to survive and keep on earning a living for his family then that would be something he could do, but otherwise he would be out of business. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller and Vasquez absent. Vice Mayor Pro Tem Castillo presiding.

Mr. Luther L. Vanderberg, Jr., Post Office Box 610150, Houston, Texas 77028 (713-682-5258) appeared and stated that he was appearing on behalf of the Houston Transit Ridership Union and voiced his opinion on the new Metro bus stops until his time expired. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller and Vasquez absent. Vice Mayor Pro Tem Castillo presiding.

Ms. Suzanne Poole, Post Office Box 1035, Missouri City, Texas 77459 (281-438-5427) appeared and stated that she had a handout for the Mayor and City Council, that she was present in support of the independent towers for free enterprise, that in the handout was a copy of the contract that Paul Bibler, Legal Department, wrote and the amendments and asked that they read it completely, that most of the packet were signatures of people who would be diversely affected by it, that they wanted to thank Council Member Quan for meeting with them and giving them his support, that they had also spoken with Chief Bradford who agreed with them that the program was extremely ill advised, that none of them knew why they needed heavier trucks when all of the cars were getting lighter, that Harris County just came up with their ordinance and it allowed sling trucks and had the same \$300,000 and \$50,000 insurance limits that the State required, that they did not understand why all of these big trucks were being requested, but it certainly looked like they were going to be used to affect the little guy, the minority who could not afford to finance those trucks at \$50,000 to \$70,000 and \$17,000 per year insurance. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller and Vasquez absent. Vice Mayor Pro Tem Castillo presiding.

Council Member Bell asked Ms. Poole what was her basis for the statement that the cars were getting lighter, and Ms. Poole stated that based on industry, for instance Dodge, Chevrolet and Ford were major truck providers and Dodge was not going to make a one and a half ton truck because they did not feel it was necessary, that if they looked at the equipment they were using in their industry, the strongest towing truck they had out there was the sling truck, they could do things and get into places that the other trucks could not be used so there was a purpose for them being there, that they did not necessarily do the most damage, that she agreed with their attorney who spoke in front of Regulatory Affairs about six weeks ago, that anybody who was doing damage to vehicles would be driving themselves out because they could not afford the insurance, that the guy had to tow safely in order to stay in business. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller, Vasquez and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

Upon questions by Council Member Ellis, Ms. Poole stated that she both represented a wrecker group and owned some wreckers, that she had been in the business for 18 years and owned seven wreckers, that about two thirds of her trucks were going to meet the requirements, but they had some older sling trucks that would not work under this, that it was her opinion that one and a half ton trucks were not going to be safer because they could not see sitting in that truck, that the accident that happened at Bellaire and Gessner was in a one and a half ton truck and the driver stated that he did not see her, that he had a substantial blind side, that in the packet there were two insurance quotes and they were welcome to call the companies. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller, Vasquez, Sanchez and Bell absent. Vice Mayor Pro Tem Castillo presiding.

At 3:40 p.m. upon motion by Council Member Quan and seconded by Council Member Robinson, City Council recessed until 9:00 a.m., Wednesday, October 17, 2001. Mayor Brown, Mayor Pro Tem Boney, Council Members Galloway, Todd, Keller, Vasquez and Sanchez absent. Vice Mayor Pro Tem Castillo presiding.

City Council Chamber, City Hall, Wednesday, October 17, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, October 17, 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. Anthony Hall, City Attorney; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director present.

At 8:24 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:09 Mayor Brown reconvened the meeting of the City Council and stated that as they knew there was a funeral today for the firefighter and he would certainly be attending and was sure the Council Members wanted to attend so he would entertain a motion that if they were not finished with the agenda that they recess at 10:15 a.m. Council Members Goldberg, Boney, Todd, Ellis, Castillo and Robinson absent.

Council Member Quan moved to recess at 10:15 a.m. in order to attend the funeral for Captain Jay Jahnke, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1110 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 54

MISCELLANEOUS - NUMBERS 1 through 7

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to **REINVESTMENT ZONE NUMBER 11 (GREATER GREENSPPOINT AREA) BOARD OF DIRECTORS:**
 - MR. WILLIE COLEMAN, JR**, appointment, as chair, for a term ending 8/31/2002
 - Position Two - **MR. SHELTON BADCY**, reappointment, for a term ending 8/31/2003
 - Position Four - **MS. EILEEN SUBINSKY**, reappointment, for a term ending 8/31/2003

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1111 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY:**
 - MR. WILLIE COLEMAN, JR**, appointment, as Chair, for a term ending 8/31/2002
 - Position Six - **MR. ELVIN FRANKLIN, JR.**, reappointment, representing Harris County, for a term ending 8/31/2003
 - Position Eight - **MR. SETH SHARR**, appointment, representing Spring Branch Independent School District, for a term ending 8/31/2003
 - Position Nine - **MR. JOHN CORNETT**, appointment, representing Aldine Independent School District, completing an unexpired term ending 8/31/2002

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1112 ADOPTED.

5. RECOMMENDATION from Director Finance & Administration Department for renewal of membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$66,966.00 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1113 ADOPTED.

6. RECOMMENDATION from Finance & Administration Department for funding for software licenses and software/hardware maintenance contracts for FY02 for the following contractors \$467,000.00 - General Fund:
- 29866 **BMC (Boole & Babbage)** - \$19,000.00
 - 29868 **Computer Associates**- \$27,000.00
 - 34062 **Computer Associates** - \$ 70,000.00
 - 29993 **Computer Associates (Cincom)** - \$48,000.00
 - 33537 **Storage Technology Corporation** - \$90,000.00
 - 33741 **BMC (New Dimension Software)** - \$24,000.00
 - 31739 **Software Engineering of America** - \$15,000.00
 - 29867 **Computer Associates (Systems Software Mrk)** - \$24,000.00
 - 32185 **Storage Technology Corporation** - \$150,000.00

- was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1114 ADOPTED.

7. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **SHARPSTOWN ECONOMIC DEVELOPMENT AUTHORITY** for Law Enforcement Services of 3 Deputies from Harris County Constable Precinct 5 - **DISTRICT F – ELLIS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1115 ADOPTED.

ACCEPT WORK – NUMBER 8

8. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$1,145,188.60 and acceptance of work on contract with **JERDON ENTERPRISE, INC** for Upgrade Trash Compactors and Triturators at IAH and HOU; Project 514; CIP A-0345 and A-0355 - 1.21% over the original contract amount - **DISTRICTS B - GALLOWAY and E - TODD** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1116 ADOPTED.

PROPERTY - NUMBERS 9 and 10

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from James E. Turner, for encroachment agreement authorizing a 1.5-foot building encroachment into Welch Street, adjacent to Lot 1 and the east one-fourth of Lot 2, Block 27, Hyde Park Addition, Parcel ENY1-07 - **DISTRICT D- BONEY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1117 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Van A. Tennell and Bobbie Broussard-Tennell, for abandonment and sale of a 10-foot wide utility easement and two 5-foot wide aerial easements, located within Lot 69 and/or Lots 70 and 71, Block 95, in exchange for the conveyance to the City of a 10-foot-wide utility easement, located along the west property line of Lot 71, Block 95, all within South Union Subdivision, Section 4, Parcels SY2-008A through C and VY2-004 - **STAFF APPRAISERS - DISTRICT D** -

BONEY - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1118 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 19A

13. **L & N UNIFORM SUPPLY (Bid #2)** - \$71,352.75 and **DIRECT ACTION UNIFORMS (Bid #2)** \$251,924.83 for Apparel for Police Department - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1119 ADOPTED.
17. **SOUTHERN CRUSHED CONCRETE, INC** - \$2,022,600.00 and **VULCANICA DISTRIBUTION, CO.** - \$936,909.37 for Flexible Base Materials for Various Departments - General, Enterprise and Street & Drainage Maintenance Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1120 ADOPTED.
19. ORDINANCE appropriating \$79,858.00 out of General Improvements Consolidated Construction Fund for an Emergency Purchase Order No. MKM10100501200101 with **GULF COAST LANDSCAPE SERVICES, INC** for Replacement of the Buffalo Bayou Hike and Bike Bridge, GFS D-0100-01-3 - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0923 ADOPTED.
- 19a. **GULF COAST LANDSCAPE SERVICES, INC** for Emergency Purchase Order for Replacement of the Buffalo Bayou Hike and Bike Bridge - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. MOTION 2001-1121 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 20 through 54

25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued street right of way use of, and vacating and abandoning to the City, as abutting owner, Landfill Road No. 2, Live Oak Drive, Willow Drive, Lakeview Drive, and an unnamed street in the C. Huffman Survey, Harris County, Texas - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0924 ADOPTED.
26. ORDINANCE consenting to the addition of 6.1041 acres of land to **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0925 ADOPTED.
27. ORDINANCE consenting to the addition of 348.81 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 25**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0926 ADOPTED.
28. ORDINANCE consenting to the addition of 344.345 acres of land to **HUNTER'S GLEN**

MUNICIPAL UTILITY DISTRICT, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0927 ADOPTED.

29. ORDINANCE consenting to the addition of 3.2289 acres of land to **MALCOMSON ROAD UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0928 ADOPTED.
30. ORDINANCE consenting to the addition of 88.230 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 60**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0929 ADOPTED.
31. ORDINANCE consenting to the addition of 22.047 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0930 ADOPTED.
32. ORDINANCE consenting to the addition of 0.589 acres of land to **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0931 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City of Houston and **BREAD OF LIFE, INC** providing up to \$1,216,298.00 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the Administration of Child Care Services, Supportive Services and Short-Term Rent, Mortgage and Utility Assistance, which sum includes a limitation of additional funding in the amount of \$608,149.00 - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0932 ADOPTED.
36. ORDINANCE approving and authorizing agreement for Convention Services between the City of Houston and **HOUSTON MAGNOLIA, L.L.C.**, with regard to the Houston Magnolia Hotel to be located at Fannin Street and Texas Avenue; including a limitation of funding in the amount of \$2,961,000.00 - Enterprise Fund - **DISTRICT I – CASTILLO** had been pull from the Agenda by the Administration and was not considered. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent.
40. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CHAMBERLIN WATERPROOFING & ROOFING SYSTEMS, INC** for Roof Repair Services for Various Departments approved and authorized by Ordinance No. 98-1037 - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0933 ADOPTED.
43. ORDINANCE appropriating \$9,651,200.00 out of Airport System Subordinate Lien Revenue Bonds, Series 1998B (AMT) Construction Fund, CIP A-0354 and \$100,000.00 out of Airport System Subordinate Lien Revenue Bonds, Series 1998B (AMT) Construction Fund, CIP A-0203 and \$155,575.00 out of Airports Improvement Fund, CIP A-0422, awarding construction contract to **STEWART-MATL, LTD.**, and approving and authorizing professional services contract for engineering testing services with **AVILES ENGINEERING CORPORATION** for the Automated People Mover (APM) Maintenance

and Storage Facility at George Bush Intercontinental Airport/Houston (IAH), Project No. 536B; providing funding for the Civic Art financed by the Airports Improvement Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0934 ADOPTED.

44. ORDINANCE appropriating \$79,500.00 out of the Public Health Consolidated Construction Fund and approving and authorizing professional Roofing Consultant Services contract between the City of Houston and **MOISTURE CONTROL TECHNOLOGIES, INC** for Roof Replacement of the West End Health Center, West End Multi-Service Center and the Riverside Health Clinic, GFS H-0018-01-2 - **DISTRICTS E - TODD and H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0935 ADOPTED.
45. ORDINANCE appropriating \$54,300.00 out of the General Improvement Consolidated Construction Fund and approving and authorizing professional Roofing Consultant Services contract between the City of Houston and **MOISTURE CONTROL TECHNOLOGIES, INC** for Roof Replacement of the Municipal Courts Building, GFS D-0044-04-2 - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0936 ADOPTED.
46. ORDINANCE awarding construction contract to **CARRERA CONSTRUCTION, INC** and approving and authorizing professional services contract for engineering testing services with **PROFESSIONAL SERVICES INDUSTRIES, INC** for construction of Parks to Standard Program Phase II - Bid Package No. 43 - Law Park, GFS F-0363-43-3 - \$628,250.00 - CDBG Fund - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0937 ADOPTED.
47. ORDINANCE approving and authorizing an Untreated Water Supply contract between the City of Houston and **AMERICAN ACRYL, L.P.** - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0938 ADOPTED.
49. ORDINANCE appropriating \$82,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to professional engineering services contract between the City of Houston and **JAYMARK ENGINEERING CORPORATION** for Design of Water Line Replacement in Gulf Meadows Subdivision, CIP S-0035-81-2 (WA10667); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - TODD** - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0939 ADOPTED.
50. ORDINANCE appropriating \$2,477,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to professional engineering services contract between the City of Houston and **J. F. THOMPSON, INC d/b/a THOMPSON, INC** for the Design of Plant Reliability Improvements and Studies to increase of the firm capacity to 350 MGD at the East Water Purification Plant Complex, CIP S-0056-29-2 (10594); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was

presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0940 ADOPTED.

51. ORDINANCE appropriating \$61,000.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B (AMT) Construction Fund as an additional appropriation for professional services contract for engineering testing services with **TERRA MAR, INC** for New Cargo Facilities, Taxiway and Drainage Improvements at George Bush Intercontinental Airport/Houston (IAH), Project No. 561; CIP A-0116; originally approved and authorized under City of Houston Ordinance No. 2000-801 - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0941 ADOPTED.
52. ORDINANCE appropriating \$1,360,577.86 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **TROY CONSTRUCTION, L.L.P.**, and approving and authorizing professional services contract for engineering testing services with **HTS, INC CONSULTANTS** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-26-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0942 ADOPTED.
53. ORDINANCE appropriating \$2,160,860.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **C AND C SERVICES** and approving and authorizing professional services contract for engineering testing services with **ATSER, L.P.** for Water Line Replacement in Dumbarton Oaks Subdivision, GFS S-0035-64-3 (WA10589); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - BONEY** - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0943 ADOPTED.
54. ORDINANCE relating to the Disaster Recovery Fund; appropriating \$4,486,870.00 from the Disaster Recovery Fund for Cleanup, Recovery and Repair related to Tropical Storm Allison; appropriating \$3,500,000.00 from the Disaster Recovery Fund and authorizing a transfer of such funds to the Convention & Entertainment Revenue 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. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. REQUEST from Mayor for confirmation of the reappointment of the following to the **CITY OF HOUSTON REINVESTMENT ZONE NUMBER SEVEN BOARD OF DIRECTORS, also known as the OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE**, for terms expiring May 6, 2003:
 - Position One - **MS. ALGENITA SCOTT DAVIS**
 - Position Three - **MS. ZINETTA A. BURNEY**, and as Chair
 - Position Five - **MR. FRANCIS PAGE, SR.**

- was presented, moved by Council Member Vasquez, seconded by Council Member

Quan. All voting aye. Nays none. Council Members Goldberg, Todd and Robinson absent. MOTION 2001-1122 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY**, for terms expiring May 6, 2003:
 - Position One - **MS. ALGENITA SCOTT DAVIS**
 - Position Three - **MS. ZINETTA A. BURNEY**, and as Chair
 - Position Five - **MR. FRANCIS PAGE, SR.**
 - Position Seven - **MR. WALTER DAVIS**, representing Harris County- was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Todd and Robinson absent. MOTION 2001-1123 ADOPTED.

PURCHASING AND TABULATION OF BIDS

11. ORDINANCE appropriating \$172,184.00 out of Public Library Consolidated Construction Fund for Mold Remediation, Removal, Storage and Reset-Up of Furnishings and Books at the WLD Johnson Branch Public Library for the Building Services Department, CIP E-0113-03-3 - was presented. All voting aye. Nays none. Council Members Goldberg, Boney, Todd, Castillo and Robinson absent. ORDINANCE 2001-0944 ADOPTED.
- 11a. **GBS ENVIRONMENTAL, INC** - \$97,500.00 and contingencies for a total amount not to exceed \$102,375.00 and **A-ROCKET MOVING & STORAGE, INC** - \$46,862.00 for Mold Remediation, Removal, Storage and Reset-Up of Furnishings and Books at the WLD Johnson Branch Public Library for Building Services Department - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Todd and Robinson absent. MOTION 2001-1124 ADOPTED.
12. **AVAYA, INC** for Purchase and Installation of Telecommunication Equipment for Parks & Recreation Department - \$146,087.47 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg, Todd and Robinson absent. MOTION 2001-1125 ADOPTED.
14. **RECOVERY CONTRACTORS, INC** - \$203,064.00 and contingencies for a total amount not to exceed \$213,217.20, **FERNANDEZ AND SON** - \$38,105.00 and contingencies for a total amount not to exceed \$40,010.25 and **WILLIS DEMOLISHING COMPANY** - \$107,510.00 and contingencies for a total amount not to exceed \$112,885.50 for Demolition Services for Department of Public Works & Engineering - Dangerous Building Consolidated Fund **DISTRICTS B - GALLOWAY; D - BONEY; E - TODD; H - VASQUEZ and I - CASTILLO** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Todd and Robinson absent. MOTION 2001-1126 ADOPTED.
15. **FERNANDEZ AND SON** for Securing of Dangerous Buildings, Site Clean-up and Demolition Services for Department of Public Works & Engineering - \$39,775.00 and contingencies for an amount not to exceed \$41,763.75 - General Fund - **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - BONEY; E - TODD; H - VASQUEZ and I - CASTILLO** - was presented, moved by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Todd and Robinson

absent. MOTION 2001-1127 ADOPTED.

16. **AMEND MOTION #99-1979, 11/17/99, TO INCREASE** spending authority by \$73,788.00 from \$295,152.00 to \$368,940.00 for High Performance Cold Patch for Department of Public Works & Engineering, awarded to **SYLCRETE CORPORATION** - General Fund - was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and tagged by Council Member Sanchez. Council Members Todd and Robinson absent.
18. **REJECT** bid of **JAG CONTRACTORS, LLC** as being non-responsive on bid for Underground Storage Tanks Removal - was presented, moved by Council Member Boney, seconded by Council Member Vasquez, and tagged by Council Member Quan. Council Members Todd and Robinson absent.

Council Member Quan stated that he wanted to note that there were some discrepancies regarding how these bids came out and the minimum requirement to bid and would like somebody to come and meet with him on that. Council Members Todd and Robinson absent.

Council Member Boney stated that Item No. 17 had already been dealt with but Southern Crushed Concrete was the company that had placed facilities near neighborhoods, Sunnyside in particular, and they did not have the authority to regulate placement that was done by the State but thought they ought to encourage people who were awarded and did business with the City to also be good neighbors and hoped the department would alert Southern Crushed Concrete of the concerns and see if they all had some options in the future. Council Members Todd and Robinson absent.

- 18a. **ORDINANCE** appropriating \$436,190.71 out of Airports Improvements Fund, \$56,260.00 out of Parks Special Fund, \$147,037.51 out of Solid Waste Consolidated Construction Fund, and awarding construction contract to **B & K SERVICES, INC** for Underground Storage Tank Removal and Upgrade at various locations, CIP A-0147, 41 and L-0066-01-3 and F-0363-99-3; providing funding for contingencies relating to construction of facilities financed by Solid Waste Consolidated Construction Fund - \$36,482.00 General Fund - **DISTRICTS A - TATRO; C - GOLDBERG and E - TODD** - was presented and tagged by Council Member Quan. Council Members Todd and Robinson absent.

RESOLUTIONS AND ORDINANCES

20. **RESOLUTION** approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Senior Bonds (Brittmore Apartments) Series 2001A-1, Multifamily Housing Revenue Senior Bonds (Brittmore Apartments) Taxable Series 2001A-2 and Multifamily Housing Revenue Subordinate Bonds (Brittmore Apartments) Series 2001B and approving the Preliminary Official Statement with respect to such Series A Bonds - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Todd and Robinson absent. **RESOLUTION 2001-0042 ADOPTED.**
21. **RESOLUTION** in support of State of Texas Proposition 3 on the November 2001 Ballot, containing a Constitutional Amendment that would exempt from ad valorem taxation Green Coffee and Raw Cocoa stored in Harris County, thereby meeting all New York Board of Trade Requirements for designation of Harris County as a Coffee Exchange Port - was presented. All voting aye. Nays none. Council Members Todd and Robinson absent. **RESOLUTION 2001-0043 ADOPTED.**
22. **RESOLUTION** in support of Proposition 15 on the November 2001 Ballot, containing a Constitutional Amendment creating the Texas Mobility Fund - was presented. All voting

aye. Nays none. Council Members Todd and Robinson absent. RESOLUTION 2001-0044 ADOPTED.

23. ORDINANCE amending **CHAPTER 30 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Regulation of sound within the City Limits; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing a penalty therefore; providing for severability - was presented.

Council Member Tatro stated that he wanted to thank Council Member Parker for shepherding this through the Neighborhood Protection and understood that the dumpster part was not part of this, that they continued to get complaints on the dumpster section and knew that Legal, rather than hold up the entire Noise Ordinance, decided to separate that out and he and the residents appreciated that, to get something on the books as opposed to wait until it was all resolved, that he very much appreciated all the legal work that had to go into this, but he thought it was going to bring some substantial relief, that he would just encourage both waste disposal companies and the City to come to a resolution, hopefully, on the dumpster part, because the timing of dumpsters close to the proximity of neighborhoods could be a rude awakening at 3:00 a.m. Council Member Robinson absent.

Council Member Parker stated that as Council Member Tatro had said they were still working on the piece dealing with dumpsters, that she would also like to see them have a confidence of dumpster ordinance to consolidate the many different dumpster enforcement areas within their ordinances, that she did make a request to Council Members that they track, if they could to the end of the year, the kind of dumpster complaints they get with particular emphasis on noise complaints, and she would point out that she immediately got from Council Member Vasquez a list of every dumpster complaint he had gotten since he had been in office and what their category was, that he really jumped on that and she appreciated it, but she would ask if they would track it, it would help them craft the ordinance. Council Member Robinson absent.

Mayor Brown stated that he knew the people in the neighborhoods had been anxiously awaiting this and wanted to thank Council Member Parker for her leadership on this issue, that they appreciated it. Council Member Robinson absent.

A vote was called on Item No. 23. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0945 ADOPTED.

24. ORDINANCE approving and authorizing an easement conveyance to Harris County Toll Road Authority for Street right of way purposes, containing 178 square feet of land, more or less, Parcel SY2-007, out of the 2.06 acre Southwest Water Well Site No. 4, Robert Vince Survey, A-77, located at 6302 Westpark Drive, Houston, Harris County, Texas, in consideration of Harris County Toll Road Authority's payment of \$4,702.00 and other consideration to the City **DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Goldberg. Council Member Robinson absent.
33. ORDINANCE approving and authorizing first amendment to lease agreement between **A-K HUNTING BAYOU, LC**, as landlord, and the City of Houston, Texas, as tenant, for space at 11430 I. H. 10 East, Houston, Texas, for use by the Health & Human Services Department – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0946 ADOPTED.
35. ORDINANCE authorizing the City of Houston to submit a request to the United States Department of Housing and Urban Development to borrow up to \$9,500,000.00 of Section

108 Guaranteed Loan Funds and to allocate up to \$950,000.00 of EDI Grant Funds to Finance the Redevelopment of the Building located at 609 Fannin, to be known as "The Magnolia Hotel" **DISTRICT I – CASTILLO** – was presented, and tagged by Council Member Bell. Council Member Robinson absent.

37. ORDINANCE approving and authorizing contract between the City and the **SALT LAKE ORGANIZING COMMITTEE** for the Olympic Winter Games of 2002 for various services by the City of Houston related to the Torch Relay and the Torch Relay Celebrations – was presented, and tagged by Council Member Keller. Council Member Robinson absent.

Council Member Keller asked if the item could survive a one week tag, and Mayor Brown stated yes, and Council Member Keller stated that he supported 2012 and did not really need a meeting with them, but would like to meet with somebody from the administration, Mr. Tollett or Mr. Haines or someone who could answer some City questions, and Mayor Brown stated that they would have somebody meet with him. Council Member Robinson absent.

38. ORDINANCE approving and authorizing contract between **HARRIS COUNTY**, the City of Houston, the **HOUSTON COMMUNITY COLLEGE SYSTEM**, and the **CITY OF BELLAIRE** relating to Joint Elections to be held November 6, 2001 and possible subsequent Joint Run-off Elections; providing a maximum contract amount - \$800,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0947 ADOPTED.
39. ORDINANCE approving and authorizing on contract between the City and **PATTON BOGGS LLP** for Federal Representation; providing a maximum contract amount - 3 Years - \$953,000.00 General Fund – was presented, and tagged by Council Members Bell and Keller. Council Member Robinson absent.
41. ORDINANCE approving and authorizing transfer agreement for Runway 22 Instrument Landing System at William P. Hobby Airport by and between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0948 ADOPTED.
42. ORDINANCE appropriating \$3,031,256.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B (AMT) Construction Fund and approving and authorizing amendment No. 2 to contract between the City of Houston and **I. A. NAMAN + ASSOCIATES, INC** for Professional Engineering Services at George Bush Intercontinental Airport/Houston, Project No. 424, CIP A-0091.18 - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Keller. Council Member Robinson absent.
48. ORDINANCE amending Ordinance No. 2000-346 to establish the maximum contract amount for contract between the City of Houston and **INFORMATION TECHNOLOGIES CONSULTING GROUP, INC** and approving and authorizing first amendment to contract approved by the same ordinance for Business Process Redesign Support Services for the Public Works & Engineering Department - \$400,000.00 - Public Utilities Capital Outlay Fund – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0949 ADOPTED.

NON CONSENT AGENDA - NUMBER 55

MISCELLANEOUS

55. MOTION to set a date less than seven (7) days from October 17, 2001, to receive nominations for Positions One, Two and Three of the **HOUSTON AREA LIBRARY AUTOMATED NETWORK BOARD OF DIRECTORS**, for two year terms to expire August 21, 2003 – was presented. Council Member Boney moved to set October 24, 2001 as the date to receive nominations for Positions One, Two and Three, seconded by Council Member Quan. All voting aye. Nays none. Council Member Robinson absent. MOTION 2001-1128 ADOPTED.

MATTERS HELD - NUMBERS 56 through 59

56. RESOLUTION authorizing the Board Members of the Houston Small Business Development Corporation to serve as board members of a New Community Controlled Non-Profit Corporation to provide qualified Small Businesses with access to additional sources of Capital – **(This was Item 27 on Agenda of October 3, 2001, TAGGED BY COUNCIL MEMBERS GALLOWAY, BONEY, KELLER and ROBINSON)** – was presented. All voting aye. Nays none. Council Member Robinson absent. RESOLUTION 2001-0045 ADOPTED.
57. ORDINANCE granting authority to **BROADWING COMMUNICATIONS SERVICES, INC, a Delaware Corporation**, to encroach upon and use the public way of the City of Houston, Texas, pursuant to Article XIV, Chapter 40, Code of Ordinances, Houston, Texas, for the purpose of laying, constructing, leasing, maintaining, repairing, replacing, removing, using, and operating therein, telecommunications facilities for providing authorized telecommunications services; providing for related terms and conditions - **FIRST READING – (This was Item 32 on Agenda of October 3, 2001, TAGGED BY COUNCIL MEMBERS KELLER, QUAN and ROBINSON)** – was presented, and tagged by Council Member Vasquez. Council Member Robinson absent.
58. ORDINANCE approving and authorizing an occupancy agreement between **COMMUNITY DOULA PROGRAM**, as occupant, and the City of Houston, Texas, as owner, for space in the Magnolia Multi-Service Center - **DISTRICT I - CASTILLO – (This was Item 35 on Agenda of October 3, 2001, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0950 ADOPTED.
59. ORDINANCE appropriating \$74,400.00 out of METRO Special Fund and approving and authorizing contract between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Development of a Bicycle Handbook and the purchase of Bicycle Parking Facilities for the Bicycle Parking Program, GFS N-0420-27-2 - \$5,600.00 - General Fund – **(This was Item 60 on Agenda of October 3, 2001, POSTPONED BY MOTION #2001-1104)** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2001-0951 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg stated the yesterday he had a telephone call from a constituent who had received an envelope with white powder in it, it was dust when they opened it and they immediately called 911 and then began a battle of who exactly was going to make the call, that the fire department informed them that they had to call the police and the police department informed them that they had to call the fire department, that they went back and forth and contacted the FBI, that the short story was that there was a lack of communication, whether it

was a hoax or the real thing, if people were calling 911 with some sort of problem in their mail they needed to know exactly which department was going to handle it, and asked for a briefing or to have someone reach his office and discuss that. Council Member Robinson absent.

Mayor Brown stated that they did put out some guidelines yesterday afternoon because they had an increase in the number of calls for the Anthrax and essentially they suggested that people take some common sense precautions, that if they find some white substance on their kitchen table and no one had broken in then chances were it was sugar, and if they found some power in their wash room then chances were it was washing powder, but if they found that there was something that was suspicious then they should call 911 and the police would respond and conduct a preliminary investigation and if necessary they would bring in the hazardous material team, that they would make sure they would circulate to Council copies of the instructions that they had given to the general public, and Council Member Goldberg asked if they had guidelines at City offices, specifically City Council, on the handling of mail, and Mayor Brown stated that he had asked Mr. Haines to put that together and that should have already been taken care of, that he would make sure they would get the guidelines, that it was on the website and 911 and 311 had all been instructed as to how to handle that and they had some special training there so whatever problem they encountered should not be there anymore. Council Members Castillo and Robinson absent.

Council Member Quan stated that next Wednesday, October 24, 2001, they planned to have the final meeting of the Ad Hoc Committee on flood restoration, that he knew that as they had gone out to different sites to talk to different community groups they had always asked them what the City was actually doing and what lessons they learned from Tropical Storm Allison, so next Wednesday they would be looking at the status of City facilities, the reimbursements from their insurance carriers and FEMA and also recommendations for mitigation, that there were several departments and several City buildings in which recommendations should be received and they would be looking at how they were going to be responding in the future so he would like to invite all Council Members to attend that meeting next Wednesday at 2:00 p.m. at City Hall Council Chambers. Council Members Goldberg, Castillo and Robinson absent.

Council Member Vasquez stated that he wanted to bring to their attention, especially At Large Council Members that the Heights as a community was against campaign signs and any signs on Heights Boulevard so they encouraged equal treatment by Public Works in picking up everyone's signs off of the boulevard but also throughout the right of way in the Heights. Council Members Goldberg and Castillo absent.

Council Member Vasquez stated that he would like to request some information of any City employees that had been called up by the National Guard, that if there were any City employees that were reservists that had been called up and if they made any special provisions for those employees whatsoever. Council Member Goldberg absent.

Council Member Vasquez stated that he and Council Member Parker had talked about the hot sheet motels and would like to revisit the issue, not from a legal perspective, but to look at other ways that they could use to regulate or basically improve the neighborhoods around the hot sheet motels, that he recognized the legal constraints of shutting them down but thought that they could look at health regulations, neighborhood protection regulations, proximity to churches and neighborhoods and other types of issues, that he had asked that it be brought up either in Neighborhood Protection or Regulatory Affairs. Council Member Goldberg absent.

Mayor Brown stated that they would get the information he requested but there were guidelines on what they did with their employees that were called up. Council Member Goldberg absent.

Council Member Sanchez stated that it was his understanding that they had just one HAZMAT unit, which was located near the eastside of town, close to the ship channel and asked what undertakings was the Mayor contemplating to beef up the HAZMAT unit of the Houston Fire Department and if he could just share that information with them and the rest of the Council Members they would appreciate it, and Mayor Brown stated that he would get him an answer. Council Member Goldberg absent.

Council Member Parker stated that when they last met there was a presentation by Chief Connealy of the fire department with some promotions within the fire department to captain and moving up within the department and he was touting his greater diversity within the department and one of those who was promoted was Captain Rebecca Wilson, who was a captain in fire suppression and she inadvertently slighted her, that she was well aware that there was a difference between being the first female captain in the department in fire suppression and the first female captain in the department in a support position, that she was formerly honoring one of Captain Wilson's foremothers and not intending to downgrade her achievement, that she did think it was a significant achievement within the department, that she had been in Council she had worked with three fire chiefs and they could all attest that one of the issues that she hammered on them all the time was about moving women through the department and she was very proud of her achievement. Council Member Goldberg absent.

Council Member Ellis stated that two weeks ago he talked about the professional services contracts that did not come before City Council and Mayor Brown stated that someone would respond to him and he had still had not received any information, that he had received the information on the purchases that they had that were less than \$15,000 and then also the settlements that were less than \$15,000, that one of the questions that he had at that time was that they approved three professional services contracts to one individual for \$15,000 on one day and he wanted an explanation, and Mayor Brown stated that they would make sure he got it. Council Members Goldberg and Sanchez absent.

Council Member Ellis stated that he had a call from Halliburton yesterday and they had an Anthrax incident and the HAZMAT unit went out and identified it and said that they did not need to worry about it but they needed to follow up with the Health Department, well then an employee from Halliburton called the Health Department and they said that no, they needed to test the substance and as well test everyone of the employees that had come in contract with it, so there was a conflicting message there, that he would encourage the HAZMAT unit and the Health Department to get on the same page, because it did concern a lot of their employees and shut down their officers for a while, that he realized that this was all new to them but he echoed the sentiments of Council Member Goldberg from the standpoint that they did need to get a plan in place. Council Member Sanchez absent.

Mayor Brown stated that all of their directors, police chief, fire chief, Health Director, Dr. Persee and emergency medical services, were all meeting yesterday to make sure that they coordinated their activities, that also Dr. Feigan, who chaired his medical task force, all met and were all working together. Council Member Sanchez absent.

Item Received during the meeting was considered as follows:

54. ORDINANCE relating to thccjhfe Disaster Recovery Fund; appropriating \$4,486,870.00 from the Disaster Recovery Fund for Cleanup, Recovery and Repair related to Tropical Storm Allison; appropriating \$3,500,000.00 from the Disaster Recovery Fund and authorizing a transfer of such funds to the Convention & Entertainment Revenue Fund – was presented. All voting aye. Nays none. Council Member Sanchez absent.

ORDINANCE 2001-0952 ADOPTED.

Mayor Brown stated that for those Council Members who wanted transportation to the funeral there would be a shuttle bus that would leave from in front of City Hall, on the Bagby side, at 10:15 a.m.

There being no further business before Council, the City Council adjourned at 9:30 a.m. upon MOTION by Council Member Galloway, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Sanchez absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary