

City Council Chamber, City Hall, Tuesday, October 23, 2001

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 23, 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, John E. Castillo, Annise Parker, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll Robinson; Mr. Paul Bibler, City Attorney's Office; Ms. Debra Dillard, Citizens Assistance Office, Ms. Sonja Otero, Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Gabriel Vasquez absent due to being ill.

At 2:08 p.m. Mayor Brown invited Ms. Kristen Jones, Ms. Crystal Henderson and Mr. Mark Kitzo to join him at the podium and stated that this presentation was in honor of Disability Mentoring Day, that this was a national project that was designed to provide college students with disabilities an opportunity to cultivate work experience in the area of their professional interest, that the project was developed by the White House and the Presidential task force on employment of people with disabilities and in public private partnership with the American Organization for People with Disabilities and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston proclaimed October 24, 2001 as Disability Mentoring Day in Houston, Texas. Council Members Goldberg, Ellis, Keller, Castillo, Parker and Robinson absent.

Ms. Kristen Jones thanked Mayor Brown for the Disability Mentoring Day proclamation and recognizing on behalf of the City of Houston the worthwhile efforts that were expressed by bringing business and students with disabilities together, and stated that she also wanted to thank Council Member Quan and Ms. Kim King for believing in Disability Mentoring Day and for all of their efforts last year and this year, that she would also like to thank some of the businesses present. Council Members Goldberg, Castillo and Robinson absent.

At 2:15 p.m. Mayor Brown called to order the meeting of the City Council, and Council Member Sanchez led everyone in prayer and the pledge of allegiance. Council Members Goldberg, Castillo and Robinson absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Vasquez absent due to being ill. Council Members Goldberg, Castillo and Robinson absent.

Council Members Bony and Tatro moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Vasquez absent due to being ill. Council Members Goldberg, Castillo and Robinson absent.

Council Member Tatro moved to suspend the rules to hear Ms. Pamela Sherrill out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Vasquez absent due to being ill. Council Members Goldberg, Castillo and Robinson absent. MOTION 2001-1129 ADOPTED.

Council Member Boney stated that they would like to commend and salute Council Member Todd on his 38<sup>th</sup> birthday. Council Members Goldberg, Castillo and Robinson absent.

Ms. Pamela Sherrill, 110 Crestdall, No. 4, Houston, Texas 77080 (713-647-0487) appeared and stated that she was a Sophomore at Spring Woods High School, that she was fifteen years old and had recently been named Miss Junior Southwest Houston for the Miss Junior America Scholarship Program, that along with this honor came a lot of responsibility and self respect and believed that as one of her responsibilities as Miss Junior Southwest Houston was to be a role model for young girls all over Houston and hopefully Texas and maybe one day America, that she was present to ask if she could represent their City in City organized events such as

parades and Fun Day in the Park and other special events that go on, that she had noticed that people tended to do better when they see other people accomplishing more, kind of like monkey see monkey do so she was present to ask them to give her an opportunity to be a role model for young girls all over Texas. Council Members Goldberg and Robinson absent.

Mayor Brown stated that he wanted to thank her for being present and they would call on her services to go out and be a positive role model for other people and asked Ms. Debra Dillard to meet with her and get all the necessary information so when there were events they would take her up on her offer, and Council Member Tatro stated that he wanted to thank Ms. Sherrill and her parents for being present today and asked them to stand and be recognized, that he wanted to point out that besides Ms. Sherrill there were nine other representatives from the Houston area and thought it would be a positive statement for the City to involve each of the ten participants in the program and any other City sponsored functions. Council Members Goldberg and Robinson absent.

Ms. Margaret Burgmon, 3110 Groton Dr., Houston, Texas 77051 (713-738-8343) appeared and stated that she lived in the Sugar Valley Subdivision and that this was her second appearance before the Council, that she had previously been present and her subject was overlay on concrete solid streets, that it was coming up again and she did not have an answer then and did not have one now and so she was back, that they pulled out of Sugar Valley and started an overlay of her street on the 27<sup>th</sup> and prepped her street with tar and came back with the overlay and never finished the street, that when it rained it was terrible, that they were trying to resolve this issue in a proper manner and had tried to call Council Member Boney's office but the only response they got was an answering service, that the only time they hear from the Mayor was during elections, that they had a cleanup in the neighborhood and heard from the Mayor, that they got free water meters and had not had any water meters in 35 years and then they got overlaid concrete streets, that she would like to know when they would meet with her to clear the streets. Council Members Galloway and Robinson absent.

Council Member Boney stated that he did not have numerous phone messages from any phone calls from her; that based on her last presentation before Council and the pictures that she shared he contacted Public Works because he too saw questions about why there was an overlay and how it was done and what could be done, that they had a meeting in his office with a number of the staff people from Public Works and they did not have enough information to sufficiently answer his questions so he told them to go back and bring back all of the information and an answer to the questions he had, because he had some of the same concerns that she had when she appeared before Council. Council Members Galloway, Ellis and Robinson absent.

Mr. David Barrie, 3737 Hillcroft, No. 378, Houston, Texas 77057 (832-498-8171) appeared and stated that under Section 45-65 of the Houston City Code for taxicab companies he applied for a taxicab permit, that he was determined to be a qualified applicant, that under Section 46-66 of the City Code a drawing was held on October 3, 2001, that he was present to bring to their attention that the process of the lottery was at best subjective and 95% of the qualified applicants did share the view, that the drawing was not recorded and the names that were to be drawn were not properly shuffled so the integrity of the process itself was called into question, that he had spoken with Ms. Paez yesterday and after he asked her why the drawing was not recorded she stated that it was not necessary to be recorded and he asked her why the names were not properly shuffled before the names were picked and she stated that it was not a City ordinance and not a requirement, that he thought he should bring it to their attention and to see if there could be anything done to rectify the situation. Council Members Galloway, Ellis, Castillo, Sanchez and Robinson.

Upon questions by Council, Mr. Barrie stated that he was saying that the process of the

drawing was somewhat flawed and the names were not shaken up, that the names were brought out on a tray and the names were not shuffled and Ms. Paez just picked out three names, that the names were not visible but if the name were not shuffled it could be deemed it was done unfairly like most applicants were saying, that there were 78 qualified applicants and only 3 names were picked, that their concern was that the integrity of the process itself was very subjective.

Mayor Brown stated that they had received a report from Dr. Scheps outlying the process and according to the report it was a public drawing conducted in full view of all participants, all 78 qualified new entrant applicants were invited to attend and the names were drawn randomly and the new entrant application received more than one permit, that they worked closely with City Legal in every step of the process and were confident that the distribution was performed in accordance with the ordinance. Council Members Tatro, Galloway, Ellis, Castillo, Sanchez and Robinson absent.

After further discussion by Council, Council Member Todd requested that Mr. Barrie meet Ms. Paez and asked that Ms. Paez let him know what she finds out, and Mayor Brown stated that Ms. Paez would meet with him right now and go over in detail on how they went through the process and it may very well answer his questions. Council Members Tatro, Galloway, Ellis, Castillo, Sanchez and Robinson absent.

Mr. William York, Jr., 8855 Gulf Freeway, Houston, Texas 77017 (713-398-8001) appeared and stated that he was present on two things, that one was that the City had minority status to help minorities on certain contracts, but yet that did not apply to not for profit, that he was running a not for profit, which most of the people they were trying to help were minorities, either Blacks or Hispanics, and it just did not seem quite fair to him that they might have a person who was Black or Hispanic and was worth millions of dollars yet they would give them special help in getting a contract with the City that they would deny a not for profit organization that was not going to make the money and was going to put the money into what the non profit was set up for, that in his case it was to help people who had never learned skills, that he would like them to consider that; that the second thing was sewage treatment and the sludge contract that he heard the Mayor had signed, for the hauling, that he had been meeting with the TNRCC for six months to a year to get a property approved to land applied sludge, that there were only two companies who were big enough who had the contracts already and when they only got 30 days that meant that no new or smaller company could participate because they did not have time to get properties approved, so if there was some way or another that the City could either extend the Cedar Grove contract for another year or to give a year on the RFP to submit their proposals to give the new companies time to get properties done they would get a much better price, that the City should play their little bit on educating the public on the value of sludge, that it was not a hazardous waste like most people thought it was, that now that they had controlled the heavy metals in it they could actually grow food bearing crops that were for human consumption, so the City should do their part and thought the industry who was hauling it should help them also, to educate the public that this was not a hazardous waste but really a wonderful product that should be land applied and not be put in a landfill, that lot of the sludge that was produced went to the landfills. Council Members Tatro, Galloway and Sanchez absent.

Council Member Boney stated that as to the Affirmative Action Program there had been some amendment to that program so that any small business, Anglo or otherwise, had the right and opportunity to benefit from the mentoring programs and other programs that were operated out of the Affirmative Action Division and that was something that was done almost two years ago, so there were a number of race neutral aspects to the program; that he did not know much about the part on environmental sludge but he did know that the Mayor's office had established one of the strongest environmental programs in the Country, and Mayor Brown stated that Ms.

Alice Coffee, Solid Waste, was present and would meet with him and go over any details about his questions. Council Members Tatro, Galloway and Sanchez absent.

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. Council Members Tatro, Galloway and Sanchez 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. Council Members Tatro, Galloway and Sanchez absent.

Mr. Steven Williams, no address, no phone had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway and Sanchez absent.

Mr. Jose Lozano, 10211 Ripple Lake, Houston, Texas 77065 (713-304-1888) appeared and stated that on September 11, 2001, a day that seemed without end, everything changed that Tuesday morning, that gone were the days of watching someone else's war on television, that were they prepared, he did not think so, were they prepared now, no, and could they be prepared, yes and that was where his program came in, that Rescue Reserve's mission statement was to provide the City with rescue support in times of tragedy, that with the activation of 40,000 plus reserves and with the deployment of military troops, Houston's usual State and Federal support would be limited, that God forbid that if a tragedy hit the community their local manpower could be stretched beyond its limits, that the Rescue Reserve would be there to supplement those local authorities, that they would be broken down into sub groups and those groups would be trained in rescue, recover, first aid as well as other construction related areas, that each member would have a background check run and be required to sign a liability waiver to the City of Houston, that this waiver would be similar to the waiver signed by volunteer firefighters, that in the past few weeks he had e-mailed, faxed, called and visited every single Council Member's office and the Mayor's office, that he was very disappointed with the lack of interest and apathy shown to the program, that he met with a few aides and was given promises of returned calls and received only one letter of support from Council Member Todd's office, that they would think that a volunteer with several hundred constituents would garner some City attention, that he even received an e-mail from a Council Member who said they felt like they had plenty of emergency management personnel to handle anything on any potential problem, that this was ironic since this was a Council Member who was one of the leaders in promoting that they needed more emergency management personnel, that unfortunately it all boiled down to one thing, politics, that do not let politics and apathy get in the way of preparation, that in Washington, D. C. today several Senators, including Arizona's John McCain were hard at work on a similar program, but it would not be ready for years, that Houston should not stand still to follow others, they should be a leader in this endeavor, so he asked them today in this public forum, did he have the City's support or did he not. Council Members Galloway, Boney and Sanchez absent.

Upon questions by Council Member Bell, Mr. Lozano stated that as to the City's role in the program, he had talked to Jay Evans, Fire Department and the Director of Emergency Management Systems, and they were not talking about money from the City, they had several corporate companies who were willing to fund it and they would ask for volunteers and they had already talked to several from the medical community and fire department to help train these individuals, that they would not be putting out fires, they would simply be there to assist and the statement that he was asking from the City was that they were smart enough to see the foresight that they needed and they needed volunteer programs like this just in case, that he was asking a statement from the City that if they could cover the legal details, which there were, and if there was a need, and the needs that the emergency systems had, then they would use them,

otherwise they were a group with no home, and Mayor Brown stated that Chief Sims, who was present, would meet with him and explore a little more detail about what Mr. Lozano had brought to their attention. Council Members Galloway, Boney, Castillo and Sanchez absent.

Mr. Billy Brawdy, 1518 Birdsall, Houston, Texas 77077 (713-866-5523) appeared and stated that he was present because he would like to talk about the lack of police protection in their area, that the neighborhood he was talking about was bounded on the south by Washington Ave, T. C. Jester on the east, I10 on the north and Wescott on the west, that they needed more law enforcement in that area and gang taskforce, that there was at least one confirmed gang group in that neighborhood and a month ago he and his truck were surrounded, that if his windows and doors had not been locked he would probably be dead now, that he was told that White boys could die in that neighborhood, that he was born and raised in that neighborhood and the last thing that a bunch of illegal aliens were going to do was take over the neighborhood, that they needed more police protection and would like to state that since September 5, 2001 when he moved back into that area he witnessed, in scarcely just three blocks, drug dealing, gang activity, constant excessive noise from their auto stereo's, theft of his neighbors auto stereo, more than 40 shots being fired over a three night period, that one man was shot by roommates in a house, that there was excessive speeding and tires squealing daily and groups of guys standing on the streets with loud music and drinking and often not allowing traffic to pass, just like they did around Memorial Golf Course that brought an end to the two way traffic about twenty years ago, that he was sure that most of the criminal elements he was talking about were of the illegal aliens, the undocumented people from south of the border, that they had been causing a lot of problems there, that since he had been calling in tips to the narcotics division and HPD he had already witnessed two traffic stops resulting in three arrests, one drug bust with the aid of a dog and a high speed chase of four hoods in a stolen car being pursued by 15 squad cars and a helicopter, that was about a month ago, which put many unaware drivers and pedestrians in extreme danger, that the problem was that when he called the police it took two and a half hours and five phone calls to get them out there, that he was informed there were only five squad cars to patrol from Elysian Street, in the northeast of downtown to Wescott near Memorial Park, that he was present to head and would be working with the civil organizations and law enforcement to take back their neighborhood from the criminal element, that he had seen it for himself that there were police units in the upscale areas who were getting more people than they needed, like around Westheimer, but since he had called in he had spoken with two police officers who promised him that they would get better protection in the future and that they needed more recruitment in the area, that he had been told that over the years there had been about 57 police officers for that same area and it had now dwindled down to only 23 and it was time for a change. Council Members Galloway, Boney, Castillo and Sanchez absent.

Mayor Brown stated that Assistant Police Chief McLullen was present and would meet with him to see what they could do to take care of his concerns. Council Members Galloway, Boney, Castillo and Sanchez absent.

Ms. Chakira Hunter, 5807 Lackfear Ln., Richmond, Texas 77469 (281-342-4145) appeared and read from a copy of an e-mail that her mother had sent to Mayor Brown and the City Council which stated that she was desperately seeking help, that she had been a City of Houston employee since 1984 in the Public Works and Engineering Department, that she was seeking help with her current work conditions, that in November 2000 she wrote a letter to Carl Lowery, Senior Deputy Director of Public Works and Engineering asking for a job reclassification and as a result she had been transferred, physically and verbally counseled, written, reprimanded and suspended, that she had filed a complaint with the office of Inspector General and was unsuccessful, that in the past 10 months she had suffered minor strokes, a nervous condition and migraine headaches, that all of the systems were as a result of a current stressful work environment, that she spent most of the day crying because she was overwhelmed with the

conditions and the stressful work environment, that on May 7, 2001 she was taken from work by ambulance seeking medical attention, that she was seeking their help to remove her from a hostile, aggressive, stressful and bad work environment and Ms. Hunter stated that her mother was currently in Saint Joseph's because she suffered a mental breakdown at work on Thursday and was rushed from the premises where they subsequently found that she suffered a stroke. Council Members Galloway, Boney and Sanchez absent.

Mayor Brown stated that Mr. Gary Norman was present and would meet with her and take her message to Mr. Rolan and would also ask the Human Resources Department to also look at this, that they would look at it from two separate angles, and stated that he hoped her mother would certainly get well. Council Members Galloway, Boney and Sanchez absent.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) appeared and stated that he was present to alert the Mayor to a fact that he believed there was a very blatant attempt to violate the Sign Ordinance by some special interests that were promoting some items on the ballot for November 6, 2001, specifically those supporting Referendum No. 1 for the City and also the bond election, that he was not opposed to the bond election at all but thought that something needed to be done to make sure that the rules were enforced, that he had a number of photographs in the handout that was passed to the Council Members and the letter in it was self explanatory, that he was hoping that the Mayor could ask that there be adherence to the rules as they approached the election on November 6, 2001. Council Members Galloway, Boney, Parker and Sanchez absent.

Mayor Brown stated that they had a unit in the Planning Department that dealt with those issues and would give it to them and ask them to handle the concerns he brought to their attention and they would also send a message to the campaigns and let them also know. Council Members Galloway, Boney, Parker and Sanchez absent.

Mr. Trent Winters, 7967 W. Airport Blvd., Houston, Texas 77071 (713-729-1153) appeared and again voiced his personal opinion of Council Member Boney; and stated that he was also present regarding about a situation going on at the TSU lab school where the principal had hit several students and that needed to be addressed, that the mother could not be present today, but the problem was that the principal left a gash on the eight year old's temple and he had not been the same since, that he would try to bring her to Council next week. Council Members Galloway and Sanchez absent.

Mr. William Beal, 4718 Boicewood Street, Houston, Texas 77016 (713-633-0126) appeared and voiced his opinions with some profanity until the Mayor ruled him out of order. Council Members Galloway, Boney, Sanchez and Robinson absent.

Ms. Harriet Moore, 7027 Haverton, Houston, Texas 77016 (281-449-4907) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney, Sanchez and Robinson absent.

Mr. Theodore Diaz, 9501 Everglade, Houston, Texas 77078 (713-633-3340) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Sanchez and Robinson absent.

Mr. Oswaldo Mares, 7320 Linden, Houston, Texas 77012 (713-644-0491) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Sanchez and Robinson absent.

Mr. Eddie Castellanos, 7607 Arnim, Houston, Texas 77087 (713-645-4850) appeared with

his attorney who stated that once again they were present on the same issue of the non consent tows and they had handed out a few handouts, that over the last three sessions that they had been present they in their own way, had tried to educate the Council Members as to what their position was, that they were handing out today a comparison of the requirements by Harris County, that if they take a quick review they would find that there were no zones required under the Harris County requirements for the non consent tows, the equipment did not require wheel lifts, specifically on page 4 it said that sling lifts were okay, that it had no requirements as to one and a half ton truck and had no requirements that the truck be any newer than four years, that also the County did not require that the insurance be \$1 million as proposed in the City's amendment, in fact on page 5 it required \$300,000 of coverage, which was the State requirement, that it also did not require \$50,000 in cargo or Workman's Compensation, that eventually what was going to happen that with the wheel lift trucks and a \$60,000 the consumer, the citizen of the City, would be paying approximately \$200 per tow because they were going to have that kind of money to support the more expensive vehicles and cost of running that type of facility. Council Members Galloway, Todd, Sanchez and Robinson absent.

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Todd, Sanchez and Robinson absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that [www.galvan.org](http://www.galvan.org), that the League of Women Voter's Guide was out and he wanted to let everybody on that on Proposition A he was voting against, that on Proposition B he was voting against, that on Proposition C he was voting against, that on Proposition D he was voting against, that on Proposition E he was voting against, that on Proposition F he was voting against, that on Proposition No. 1, Charter Amendment, he was voting against, that on Proposition No. 2, he was voting against, that on Proposition No. 3, he was voting for, and he encouraged everybody just to vote against all of them except for No. 3, vote for, because that one would win, that he was not finished on all of the Texas Constitutional Amendments and all, that on the candidates, for At Large Position No. 1 he was voting Sylvia Ayers, that for At Large Position No. 2 he was voting for Mr. Terrence, that for District I he was voting for Mr. Morris who was endorsed by the Houston Chronicle, and those were the ones that he had as of right now and was still working on it. Council Members Galloway, Todd, Sanchez and Robinson absent.

At 3:10 p.m. upon motion by Council Member Boney and seconded by Council Member Quan, City Council recessed until 9:00 a.m., Wednesday, October 24, 2001. Council Members Galloway, Todd, Sanchez and Robinson absent.

City Council Chamber, City Hall, Wednesday, October 24, 2001

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, October 24, 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.

## **MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 38**

**MISCELLANEOUS** - NUMBERS 1 through 4

1. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Parks to Standard Program - Phase II George T. Nelson Park (Formerly Yellowstone Park), GFS F-0363-38-3 - **DISTRICT D – BONEY** – was presented, moved by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1130 ADOPTED.
2. REQUEST from Director Finance & Administration Department to authorize and grant a waiver of certain requirements under the City of Houston Ordinance No. 97-416 with respect to the terms and conditions of certain refunding bonds to be issued by **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 216** – was presented, moved by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1131 ADOPTED.
3. RECOMMENDATION from Director Parks & Recreation Department to name the pavilion in Bricker Park for **MS. TRELIS SYKES** - **DISTRICT D - BONEY** – was presented, moved by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1132 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of FY 2002 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$213,839.00 - Enterprise Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Quan. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1133 ADOPTED.

**ACCEPT WORK** - NUMBERS 8 through 8A

8. ORDINANCE appropriating \$24,441.70 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **JIMERSON UNDERGROUND, INC** for Sagemont Sludge Transfer Facility, GFS R-0181-04-3 (4634-2), approved by Ordinance No. 98-462 **DISTRICT E - TODD** – was presented. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. ORDINANCE 2001-0953 ADOPTED.
- 8a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 5 in the amount of \$32,246.35, final contract amount of \$1,817,269.45 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Sagemont Sludge Transfer Facility, GFS R-0181-04-3 (4634-2) - 06.43% over the original contract amount Enterprise Fund - **DISTRICT E - TODD** – was presented, moved by Council Member Vasquez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1134 ADOPTED.

**PROPERTY** - NUMBERS 9 through 11A



9. ORDINANCE appropriating \$61,858.00 out of Water & Sewer System Consolidated Construction Fund Number 755 to pay the amount of Agreed Final Judgment and the Appraiser's Invoice in connection with the settlement of the eminent domain proceeding styled City of Houston v. Henry J. N. Taub, Individually and as Independent Executor of the estate of Ben Taub, deceased, et al., to acquire Parcel Number D95-141, for the **M.U.D. 254 SANITARY SEWER EASEMENT PROJECT**, GFS/CIP R-0018-90-1 – was presented. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. ORDINANCE 2001-0954 ADOPTED.
- 9a. RECOMMENDATION from City Attorney to settle eminent domain lawsuit styled City of Houston v. Henry J. N. Taub, Individually and as Independent executor of the estate of Ben Taub, deceased, et al., Cause Number 700,461 for a total consideration of \$70,000.00 and pay appraisers invoice of \$1,500.00; in connection with the **M.U.D. 254 SANITARY SEWER EASEMENT PROJECT**, GFS/CIP R-0018-90-1 – was presented, moved by Council Member Vasquez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1135 ADOPTED.
10. ORDINANCE appropriating \$18,673.00 out of Water & Sewer System Consolidated Construction Fund Number 755 to pay the amount of Agreed Final Judgment and the Appraiser's Invoice in connection with the settlement of the eminent domain proceeding styled City of Houston v. H. Ben Taub, et al., to acquire Parcel Number D97-69, for the **M.U.D. 254 SANITARY SEWER EASEMENT PROJECT**, GFS/CIP R-0018-90-1 – was presented. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. ORDINANCE 2001-0955 ADOPTED.
- 10a. RECOMMENDATION from City Attorney to settle eminent domain lawsuit styled City of Houston v. H. Ben Taub, et al., Cause Number 705,676 for a total consideration of \$22,500.00 and pay appraisers invoice of \$1,350.00; in connection with the **M.U.D. 254 SANITARY SEWER EASEMENT PROJECT**, GFS/CIP R-0018-90-1 – was presented, moved by Council Member Vasquez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1136 ADOPTED.
11. ORDINANCE appropriating \$486,712.00 out of Airport System Subordinate Lien Revenue Bond (NON-AMT) Construction (538) to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled as City of Houston v. Billie G. Baker, et al, to acquire Parcel Number EY2-003 for the **RUNWAY 8L EXPANSION PROJECT at BUSH INTERCONTINENTAL AIRPORT**, GFS/CIP A0024 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. ORDINANCE 2001-0956 ADOPTED.
- 11a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Billie G. Baker, et al, Cause Number 741,680, for acquisition of Parcel EY2-003 for the **RUNWAY 8L EXPANSION PROJECT at BUSH INTERCONTINENTAL AIRPORT**, GFS/CIP A0024 **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Vasquez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1137 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 12 through 15

12. **DASIBI ENVIRONMENTAL CORPORATION** for Ozone Primary and Transfer Standard Instruments for Health & Human Services Department - \$29,664.00 - Grant Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1138 ADOPTED.
13. **TURF INDUSTRIES/VOPAK, INC (Bid No. 2)** for Perennial Rye Grass Seed for Parks & Recreation Department - \$83,447.10 - General and Parks Special Revenue Funds – was presented, moved by Council Member Vasquez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1139 ADOPTED.
14. **HOUSTON-GALVESTON AREA COUNCIL** for Eleven Garbage Trucks through the Interlocal Agreement for Cooperative Purchasing for Solid Waste Management Department \$1,407,139.77 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Vasquez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1140 ADOPTED.
15. **HOUSTON-GALVESTON AREA COUNCIL** for Trailers, Excavators, Trucks, Sewer Cleaner and Tractors through the Interlocal Agreement for Cooperative Purchasing for Various Departments \$1,126,565.06 - Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Vasquez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Tatro, Boney, Parker and Bell absent. MOTION 2001-1141 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 16 through 38

16. ORDINANCE consenting to the addition of 6.320 acres of land to **CHARTERWOOD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Boney, Todd and Parker absent. ORDINANCE 2001-0957 ADOPTED.
17. ORDINANCE consenting to the addition of 112.5093 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 173**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Boney, Todd and Parker absent. ORDINANCE 2001-0958 ADOPTED.
19. ORDINANCE approving and authorizing reinstatement and extension of development agreement between the City of Houston and **AMERICA'S ESTATE PROPERTIES, INC** to provide additional time for the completion and sale of seven (7) single-family affordable homes in Binglewood Subdivision - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Members Boney, Todd and Parker absent. ORDINANCE 2001-0959 ADOPTED.
24. ORDINANCE relating to the alteration or relocation of one or more off-premise signs; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Members Boney, Todd

and Parker absent. ORDINANCE 2001-0960 ADOPTED.

25. ORDINANCE approving and authorizing termination of Tax Abatement Agreement between the City of Houston, Texas and **BACE MANUFACTURING, INC** and **SECURITY CAPITAL INDUSTRIAL TRUST - DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Members Boney, Todd and Parker absent. ORDINANCE 2001-0961 ADOPTED.
33. ORDINANCE approving and authorizing professional engineering services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for a Regional Computerized Traffic Signal System CMAQ Project, CIP N0650-07-2 - **DISTRICTS A - TATRO; B - GALLOWAY; C- GOLDBERG; D - BONEY; G - KELLER and H – VASQUEZ** 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 Todd, Boney and Parker absent.
34. ORDINANCE approving and authorizing professional engineering services contract between the City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC d/b/a PBS&J** for Regional Computerized Traffic Signal System CMAQ Project, CIP N-0650-08-2 - **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - BONEY; E - TODD; F - ELLIS; G - KELLER; H - VASQUEZ and I – CASTILLO** 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 Boney, Todd and Parker absent.
35. ORDINANCE appropriating \$161,680.00 out of Public Health Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **SADEGHPOUR & ASSOCIATES, INC d/b/a SCIENTECH ENGINEERS** for Repair to Parking Garage at 8000 North Stadium Drive, CIP H-0031-02-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Members Boney, Todd and Parker absent. ORDINANCE 2001-0962 ADOPTED.
37. ORDINANCE appropriating \$1,048,102.00 out of Park Consolidated Construction Fund, awarding construction contract to **SUMCO, INC** and approving and authorizing professional services contract for engineering testing services with **QC LABORATORIES, INC** for construction of Parks to Standard Program - Phase II - Highland Park, GFS F-0363-21-3; providing funding for construction management, professional architectural services and contingencies relating to construction of facilities financed by the Park Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Boney, Todd and Parker absent. ORDINANCE 2001-0963 ADOPTED.
38. ORDINANCE appropriating \$10,125.00 out of Storm Sewer Consolidated Construction Fund and \$37,125.00 out of Street and Bridge Consolidated Construction Fund and \$50,625.00 out of Water & Sewer System Consolidated Construction Fund for Advertising Costs for various C.I.P. Projects relating to construction of facilities financed by the respective Consolidated Construction Funds for the Department of Public Works & Engineering – was presented. All voting aye. Nays none. Council Members Boney, Todd and Parker absent. ORDINANCE 2001-0964 ADOPTED.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

## MISCELLANEOUS

5. RECOMMENDATION from Director Municipal Courts for approval of Convenience Fee for Traffic, Non-traffic and Parking Tickets paid through the Online Ticket Payment Application – was presented, and tagged by Council Member Quan. Council Members Boney, Todd and Parker absent.

Council Member Robinson asked if they could pay by check online, that he had asked them to check into that when they were setting the system up so it would not just be by credit card only, and Mayor Brown asked Mr. Piper if they could pay by check online, and Mr. Piper stated that not on the original implementation, that it was coming later probably in 30 to 60 days, but right now it was by credit card only. Council Members Boney, Todd and Parker absent.

Council Member Bell asked Mr. Piper when would it actually be offered, and Mr. Piper stated as soon as Council approved it. Council Members Boney, Todd and Parker absent.

Council Member Quan stated that he had been in discussions with Mr. Piper briefly and was concerned with a disincentive because of the fee or just sending in the check and other avenues so he would be tagging the item for one week.

## DAMAGES

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **INFINITY OUTDOOR, INC** and **JOHN GANNON, INC** v. City of Houston; Civil Action No. H-98-0065; in the United States District Court, Southern District of Texas-Houston Division – was presented and tagged by Council Member Keller. Council Members Boney, Todd and Parker absent.

Council Member Keller stated that he was going to tag the item and stated that there were going to be a couple of items that he would like to request regarding this item and Item No. 24, and asked specifically why did FM1093, more commonly known as Westheimer, switch from being a State regulated road, as far as signage, to federal, and could he get a copy of the federal law which regulated billboards, and Mayor Brown stated that the item was tagged and that they would get the information he requested. Council Members Boney, Todd and Parker absent.

Motion 2001-1142 omitted in error.

## ACCEPT WORK

7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,668,012.56 and acceptance of work on contract with **PARALLAX SERVICES, INC** for New Fire Station No. 96, GFS C-0080-01-3 - 12.31% over the original contract amount **DISTRICT A - TATRO** – was presented, moved by Council Member Vasquez, seconded by Council Member Castillo. All voting aye. Nays none. Council Members Boney, Todd and Parker absent. MOTION 2001-1143 ADOPTED.

## RESOLUTIONS AND ORDINANCES

18. ORDINANCE approving and authorizing the City of Houston to enter into a Loan/Grant Agreement with **SP 8600, LTD.**, a Texas Limited Partnership, whose sole general partner

is **SP 8600 MANAGEMENT, L.L.C.**, to provide \$970,000.00 in Home Investment Partnerships Program (“Home”) Funds for the acquisition and rehabilitation of a one hundred forty-two (142) unit apartment complex located at 8600 Sands Point Street, Houston, Texas - **DISTRICT F – ELLIS** – was presented, and tagged by Council Members Ellis and Quan. Council Members Boney and Todd absent.

Council Member Quan stated that they were having a meeting tomorrow of the Housing Initiative Committee and this was an item they would like to discuss at that time. Council Members Boney and Todd absent.

20. ORDINANCE approving and authorizing contract between the City of Houston and **DONALD R. WATKINS MEMORIAL FOUNDATION, INC**, providing up to \$434,000.00 in Housing Opportunities for Persons With AIDS (“HOPWA”) Funds for Administrative, Supportive Services and a Short-Term Rent, Mortgage and Utility Assistance Program - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0965 ADOPTED.
21. RESOLUTION approving the creation of the **UPPER KIRBY REDEVELOPMENT AUTHORITY**; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the initial Directors and Chairperson - **DISTRICTS C - GOLDBERG and G - KELLER** – was presented. All voting aye. Nays none. Council Member Boney absent. RESOLUTION 2001-0047 ADOPTED.
22. ORDINANCE approving and authorizing Public Improvement Development contract between the City of Houston, Texas and **UPTOWN DEVELOPMENT AUTHORITY**, to authorize the Design, Acquisition and Construction of Public Street Improvements by the Authority; containing findings and other provisions related to the subject agreement - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0966 ADOPTED.
23. ORDINANCE approving and authorizing agreement for Convention Services between the City of Houston and **HOUSTON MAGNOLIA, L.L.P., and HOLTZE HOUSTON, L.L.P.**, 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** – was presented, and tagged by Council Member Tatro. Council Member Boney absent.
26. ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE** for Professional Staffing Services for the Telemetry Station at Ben Taub Emergency Center; providing a maximum contract - \$3,878,203.22 - General Fund – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0967 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City of Houston and the **FEDERAL LAW ENFORCEMENT TRAINING CENTER (FLETC)** for the development and implementation of the HPD Distributed Learning Program - \$591,600.00 General and Grant Funds – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0968 ADOPTED.
28. ORDINANCE approving and authorizing compromise and settlement agreements between the City of Houston and **LETHU, INC and THU LE** and between the City of Houston and **FAIR OAKS HOUSING CORP.** to settle consolidated lawsuit; authorizing the removal of the 911

gate on Fair Oaks Blvd. - \$172,750.00 - Property & Casualty Fund - **DISTRICT I – CASTILLO** – was presented. All voting aye. Nays none. Council Member Boney absent. ORDINANCE 2001-0969 ADOPTED.

29. ORDINANCE approving and authorizing request for consent to assignment of the Engagement Letter between the City of Houston and **MAYOR, DAY, CALDWELL & KEETON, L.L.P. to CONNELLY, BAKER, WOTRING & JACKSON, L.L.P.** for Environmental Legal Services for the Department of Aviation - **DISTRICTS B - GALLOWAY and E - TODD** – was presented. All voting aye. Nays none. ORDINANCE 2001-0970 ADOPTED.
30. ORDINANCE awarding contract to **A.M.E. SERVICES, INC** for Cleaning and Janitorial Services for Building Services Department at Police Headquarters; providing maximum contract amount \$3,042,945.75 - General Fund - **DISTRICTS B - GALLOWAY; E - TODD; G - KELLER and I- CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2001-0971 ADOPTED.
31. ORDINANCE awarding the contract to **MCLEMORE BUILDING MAINTENANCE, INC** for Cleaning and Janitorial Services for Building Services Department at Edward J. Stringfellow South Police Station and Westside Police Station; providing maximum contract amount \$2,543,925.00 - General Fund - **DISTRICTS B - GALLOWAY; E - TODD; G - KELLER and I- CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2001-0972 ADOPTED.
32. ORDINANCE awarding contract to **SANDRA'S ENTERPRISES, INC dba PROFESSIONAL MAID SERVICE** for Cleaning and Janitorial Services for Building Services Department at Morrison Police Academy, Clear Lake Police Station and Northeast Police Station; providing maximum contract amount - \$1,547,250.75 - General Fund - **DISTRICTS B - GALLOWAY; E - TODD; G - KELLER and I- CASTILLO** – was presented. All voting aye. Nays none. ORDINANCE 2001-0973 ADOPTED.
36. ORDINANCE appropriating \$100,000.00 out of Park Special Fund and \$26,947.00 out of Park Consolidated Construction Fund, awarding construction contract to **CARRERA CONSTRUCTION, INC** and approving and authorizing professional services contract for engineering testing services with **GEOTEST ENGINEERING, INC** for Parks to Standard Program Phase II - Memorial Fitness Center Improvements, GFS F-0363-50-3; providing funding for construction management, professional architectural services and contingencies relating to construction facilities financed by the Park Consolidated Construction Fund - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2001-0974 ADOPTED.

#### **NON CONSENT AGENDA** - NUMBER 39

#### **MISCELLANEOUS**

39. RECEIVE nominations for appointment to the **HOUSTON AREA LIBRARY AUTOMATED NETWORK BOARD OF DIRECTORS** for two year terms to expire August 21, 2003

Council Member Parker stated that she was distributing a memo and would like to place in nomination and to re-nominate three existing nominations which were Ms. Juanita Elizondo for Position 1, Mr. Jim Hundemer for Position 2 and Ms. Brenda P. Tirrell for Position 3 and their resumes were being distributed.

Council Member Vasquez moved to close the nominations, seconded by Council Member Boney. All voting aye. Nays none. MOTION 2001-1144 ADOPTED.

**MATTERS HELD** - NUMBERS 40 through 47

40. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to **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 – **(This was Item 16 on Agenda of October 17, 2001 TAGGED BY COUNCIL MEMBER SANCHEZ)** – was presented. All voting aye. Nays none. MOTION 2001-1145 ADOPTED.
41. MOTION by Council Member Boney/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to REJECT bid of **JAG CONTRACTORS, LLC** as being non-responsive on bid for Underground Storage Tanks Removal - **(These was Item 18 on Agenda of October 17, 2001, TAGGED BY COUNCIL MEMBER QUAN)** – was presented.

Council Member Quan stated that he had a chance to meet with Ms. Ollie Schiller of Building Services and this was an issue that they were looking at and he had received an assurance that they were going to be checking their policies regarding minimum bids to make sure that they would try to insure to get the lowest bid on these items, so the objections that he raised on 41 and 41a that he made last week he thought were being addressed at this time. Council Member Boney absent.

A vote was called on Item No. 41. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-1146 ADOPTED.

- 41a. 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** – **(These was Item 18A on Agenda of October 17, 2001, TAGGED BY COUNCIL MEMBER QUAN)** – was presented. All voting aye. Nays none. ORDINANCE 2001-0975 ADOPTED.
42. 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** – **(This was Item 24 on Agenda of October 17, 2001, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Goldberg stated that about a month ago he had a town hall meeting with a subdivision in this area and they were very upset because of the flooding problems and they wanted to know how the storm drainage was going to be affected by this agenda item and they still had not gotten their answers and the plans. Council Member Boney absent.

Council Member Goldberg moved to postpone Item No. 42 for one week, seconded by Council Member Quan. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-1147 ADOPTED.

43. 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 – (This was Item 35 on Agenda of October 17, 2001, TAGGED BY COUNCIL MEMBER BELL)** – was presented. All voting aye. Nays none. ORDINANCE 2001-0976 ADOPTED.
44. 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 – **(This was Item 37 on Agenda of October 17, 2001, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. ORDINANCE 2001-0977 ADOPTED.
45. 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 – **(This was Item 39 on Agenda of October 17, 2001, TAGGED BY COUNCIL MEMBERS BELL and KELLER)** – was presented.

Council Member Robinson stated that he wanted to tag the item and Mayor Brown asked him if he was present at last weeks meeting and Council Member Robinson stated that he was present at the very end and was present for pop-off, and Mayor Brown stated that was part of the meeting and counted as his being present and Council Member Robinson stated that he would then do a motion to delay. Council Member Boney absent.

Council Member Robinson moved to postpone Item No. 45 for two weeks, seconded by Council Member Bell. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-1148 ADOPTED.

Council Member Robinson stated that he thought the rule was that if they were not at the table when an item was presented, and Mr. Hall stated no, that it was anytime during the meeting, that it was deliberate so that people could not manipulate the tag, that if they were there any time during the meeting then they were present for that meeting. Council Member Boney absent.

46. 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 – (This was Item 42 on Agenda of October 17, 2001, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. ORDINANCE 2001-0978 ADOPTED.
47. 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 57 on Agenda of October 17, 2001, TAGGED BY COUNCIL MEMBER VASQUEZ)** – was presented.

Council Member Keller stated that this was an issue that they had been working on with Council Member Vasquez's office for quite some time, that they brought up several important serious issues regarding the Street Cut Ordinance and violations thereof over the last two weeks, that he applauded the efforts for a remedy and cure but it had not been able to do so and he thought that they should take it off of the stage for a while until they could really iron out those because it probably was a landmark case as far as upholding the Street Cut Ordinance. Council Member Boney absent.

Council Member Keller moved to refer Item No. 47 back to the administration, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Boney absent. MOTION 2001-1149 ADOPTED.

**Items Received during the meeting were considered as follows:**

33. ORDINANCE approving and authorizing professional engineering services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for a Regional Computerized Traffic Signal System CMAQ Project, CIP N0650-07-2 - **DISTRICTS A - TATRO; B - GALLOWAY; C- GOLDBERG; D - BONEY; G - KELLER and H – VASQUEZ** – was presented, and tagged by Council Member Ellis. Council Member Boney absent.
34. ORDINANCE approving and authorizing professional engineering services contract between the City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC d/b/a PBS&J** for Regional Computerized Traffic Signal System CMAQ Project, CIP N-0650-08-2 - **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - BONEY; E - TODD; F - ELLIS; G - KELLER; H - VASQUEZ and I - CASTILLO** – was presented, and tagged by Council Member Ellis. Council Member Boney absent.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Robinson asked if someone from the police department could meet with him, that the last couple of days he had received a number of communications from several police officers relative to the recent sergeant exams and some concerns they had raised and he would like to visit with someone about that issue, and Mayor Brown stated they would have someone from Human Resources meet with him. Council Member Boney absent.

Council Member Quan stated that they would be having their final Ad Hoc Committee Meeting on flood restoration this afternoon and at that time they should be receiving reports on the condition of their buildings and how they stood financially regarding FEMA and insurance claims as well as the mitigation studies on what suggestions had been brought forth to make sure they would not have a repeat of the disaster that Tropical Storm Allison caused the City so he would invite all Council Member's interested in that to attend the meeting this afternoon. Council Member Boney absent.

Council Member Quan stated that tomorrow at 10:00 a.m. they would be having their Housing Initiative Meeting and there were several items dealing with the land assemblage program and the status of that program as well as other projects they were looking at for low

cost housing in the City, that the public was also invited as well as the Council Members. Council Member Boney absent.

Council Member Tatro stated that Council Members may be getting letters from different applicants to the Houston Housing Finance Corporation regarding loans that they were seeking through the Houston Housing Finance Corporation, that he thought it was first raised by Council Member Ellis about the possibility that non profit organizations would be coming in and purchasing apartment complexes and seeking funding from the Houston Housing Finance Corporation, that his concern was that a non profit purchase a block of property and that property was removed from the tax rolls and there were several getting ready to come through the Houston Housing Finance Corporation, that the County had a similar program and they instituted what they called the Pilot Project, that if they lend money to a non profit to purchase the property, the property obviously comes off the tax rolls, that the County instituted payment in lieu of taxes, that it was an agreement that was signed by the entity that said although they would purchase the property and be free and clear of property taxes they would remit to the various jurisdictions, school districts, the City, the County, Flood Control and the Port, payment in lieu of those taxes, so basically they had a wash, they would lose the ad valorem tax through an agreement or a non profit status but they gain it back through a contractual agreement called the Pilot Program, that the City did not have that program in place and he thought it would behoove them to put that into place, that he thought it was a fair deal and thought it would protect their tax base, so before the Houston Housing Finance Corporation gets ramped up, because all of those loans had to come back to Council, there were some significant deals out there, that he thought it was a prudent and responsible policy to be put in place and hoped that the administration would bring forth to Council the pilot project.

Council Member Vasquez stated that this Saturday at Moody Park, from 9:00 a.m. to 12:00 p.m., the Hispanic Firefighters, the Houston Rockets and his office would be sponsoring a kids basketball clinic, that their special guest would be Calvin Murphy and would like to invite all the Council Members to come out and attend the event.

Council Member Vasquez stated that Moody Park was also an early vote location as well so they could kill two birds with one stone.

Council Member Castillo stated that about a month or so ago they had an item on the agenda to accept work for a street overlay program in Meadowbrook and he brought up complaints and the Department of Public Works had fixed the problems they had so they were ready to bring it back to the agenda and hoped to see it soon.

Council Member Castillo stated that he believed that because of the flood the lights that they worked so hard to get turned back on in front of the main post office downtown were out again, that they had turned it in to the light company and hoped the administration could follow up, and Mayor Brown stated that they would follow up on it and make sure it was taken care off.

Council Member Ellis stated that last night he attended the Alief Super Neighborhood Meeting and Chief Bradford was the keynote speaker and he actually learned a lot about the police department last night and the changes that were going through since September 11, 2001, the way they were going to have to increase security out at the airport dramatically and the way they were increasing security throughout the City, that he understood that a lot of that would be funded through federal funds as well as some would come from the airport system and he was wondering if Council Member Castillo would request that Chief Bradford come to the Fiscal Affairs Committee meeting and have a discussion with that committee and tell them about the plans for funding the additional police officers, and Council Member Castillo stated that they

would have a meeting next Tuesday, and Mayor Brown stated that they would ask the Chief to work with them.

Council Member Ellis stated that last week he had the opportunity to attend the Crime Stoppers Gala and Chief Bradford was present along with a number of criminal judges in town and the District Attorney's Office, that what really struck him was something that he thought was a great tool for the school districts throughout Harris County and the surrounding counties to use and it was a program that Crime Stoppers had put in place and it was called SAFE Schools 101 Text Book Synopsis, that as they knew Crime Stoppers pays individuals a certain amount of money for tips that lead to the arrest of certain criminals, but the SAFE School 101 demonstrates a program for the school districts and for any school that would request it, of how to set it up in their school or school district, that it was a 24 hour hot line where the kids could call in and tell and they would get tips on other children that were planning some type of criminal activity within the school system and if anyone would like to know more about this they could call his office or they could call Ms. Kim Ogg's office at Crime Stoppers of Houston at 713-521-4600.

Council Member Ellis stated that there had been some elected officials in the County and the City who were calling to dissolve the Sports Authority, which he thought was a great idea, but he would request that they wait until the arena was completed and then allow the government entities to absorb running the three sports facilities that were being built, but something that he had concerned with was that he looked at the budget of the Harris County Sports Convention Corporation and on October 19, 1998 there was a letter of agreement signed by all authorities and the budget for Reliant Stadium was \$310 million and the last public submittal, which was by the Harris County Convention Corporation, was that they were now over budget \$105 million or 34%, that he also looked at the downtown arena, and by the admission by Mr. Douglas Baker, they were \$55 million or 32% over budget and he did not think they had completed the groundwork at the new arena, that based on the State Law House Bill 92 the Mayor had a fiduciary responsibility to the taxpayers, as the Mayor of the City of Houston, to oversee these projects and it seemed that for at least a year and a year and a half the Council and the Mayor did not have any reports, that they did not have the Sports Authority coming to Council and talking to them and they did not have the newly formed Harris County Sports and Convention Corporation, that he would request that the Mayor's office look into this and bring it before Council so they could see exactly where these costs overruns were and why they were having the cost overruns and why they were such an exorbitant amount, that they were talking about \$160 million over budget on these two projects, and Mayor Brown stated that he would be glad to do that.

Council Member Quan stated that yesterday they recognized Persons with Disabilities Day and he wanted to take a moment to recognize Mr. Mark Goyanay, who was in the audience and who would be his student for the day and would follow him around and see the workings of the City Council.

There being no further business before Council, the City Council adjourned at 9:35 a.m. upon MOTION by Council Member Boney, seconded by Council Member Vasquez. All voting aye. Nays none.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary