

City Council Chamber, City Hall, Wednesday, September 6, 2000

A Regular Meeting of the Houston City Council was held at 1:30 p. m. Wednesday, September 6, 2000, 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, Gordon Quan, Orlando Sanchez, Chris Bell and Carroll G. Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office, Mr. Richard Cantu, Director, Mayors Citizens Assistance Office, Ms. Debra Dillard, Mayors Citizens Assistance Office; Ms. Marty Stein, Agenda Director, Ms. Linda Layton, Agenda Office present. Council Member Annise D. Parker out of the city on city business.

At 8:32 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:17 a.m. Mayor Pro Tem Boney called to the order the meeting of the City Council and stated they would begin with a presentation by Council Member Keller to the U.S. 2000 Olympic Team. Mayor Brown, Council Members Todd, Ellis, Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Keller stated that he was very pleased and honored to have Mr. Eric Thomas present, that he was a Houstonian who had the third fastest time in the world in the 400 hurdles and placed second at the Olympic trials, and read a proclamation that stated that Lee P. Brown, Mayor of the City of Houston, proclaimed that Wednesday, September 6, 2000 as Eric Thomas Day in Houston, Texas. Mayor Brown, Council Members Todd, Ellis, Sanchez, Bell and Robinson absent. Mayor Pro Tem Boney presiding.

Ms. Susan Bandy of the Houston 2012 stated it was last time they would see them before the Sydney Olympics, and presented Mr. Thomas with a 2012 Shirt and cap to take with him to Sydney. Mayor Brown, Council Members Ellis, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding.

Mr. Thomas thanked Houston and Houston 2012 and stated that he wanted everybody to know they he was going to represent Houston as well as the Country in Sydney and hoped to bring back a medal for them. Mayor Brown, Council Members Ellis, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that it gave him an opportunity since they just recognized one of the young Olympians to correct some misinformation that was on the media last week, and particularly wanted television media to pay attention, that last week they passed an initiative in Council which would allow them to take advantage of State Legislation with regard to funding the Olympic bid, if they secured a bid in 2012, the \$14 million dollars in sales tax revenue would only be held in reserve in an escrow fund once they secured the bid, and the \$14 million dollars would be generated by the Olympic bid, they would not use any property taxes only sales taxes that would only accrue after they got the bid that were directly related to the Olympics themselves, if they did not get the Olympics they would not generate the \$14 million dollars and they would not hold it in escrow. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

At 9:21 a.m. Mayor Pro Tem Boney recognized Council Member Castillo who led everyone in the prayer and pledge of allegiance. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney requested the City Secretary to call the roll. Council Member Parker out of the city on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Members Castillo and Vasquez moved that the minutes of the preceding meeting be adopted. Council Member Parker out of city on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding.

MAYOR'S REPORT

Consent Agenda (Items 1 through 26) were considered as follows:

ACCEPT WORK - NUMBER 1-1

- 1-1. RECOMMENDATION from Acting Director Department of Public Works & Engineering for approval of final contract amount of \$473,811.34 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Wastewater Facilities Safety Improvements, GFS R-0302-06-3 (4134-6) - 00.77% under the original contract amount - Enterprise Fund - **DISTRICTS A - TATRO; B - GALLOWAY and G – KELLER** – was presented, moved by Council Member Castillo, seconded by Council Member Quan. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown, Council Members Ellis, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-1087 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 2 through 6

LOW BIDS

2. **NATIONWIDE DRAFTING & OFFICE SUPPLY, INC** for Flat File Cabinets for Department of Public Works & Engineering - New - \$19,319.28 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Castillo, seconded by Council Member Keller. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown, Council Members Ellis, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-1088 ADOPTED.

OTHER

3. DECLARE **REVA PLASTICS CORPORATION** in default on their bid for Safety Devices for Various Departments and hold them non-responsible for two years – was presented, moved by Council Member Castillo, seconded by Council Member Keller. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown, Council Members Ellis, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-1089 ADOPTED.

5. **AMEND MOTION #2000-497, 4/5/00**, to increase the award amount to **EPOXY DESIGN SYSTEM, INC** by \$26,800.00 for Emergency Repairs to Water Basins at the East Water Purification Plant No. 2 for the Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Castillo, seconded by Council Member Keller. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown, Council Members Ellis, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-1090 ADOPTED.
6. **AMEND MOTION #98-1471, 9/16/98, TO EXTEND** expiration date by four months from September 22, 2000 to January 21,2001, for Automotive, Chrysler Dodge Replacement Parts and Repair Contract for Various Departments, awarded to **GREENSPOINT DODGE OF HOUSTON, INC** – was presented, moved by Council Member Castillo, seconded by Council Member Keller. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown, Council Members Ellis, Sanchez and Robinson absent. Mayor Pro Tem Boney presiding. MOTION 2000-1091 ADOPTED.

ORDINANCES - NUMBERS 7 through 26

7. ORDINANCE amending **SECTION 47-70 OF THE CODE OF ORDINANCES**, Houston, Texas, relating to City Council approval of refunds of Water/Sewer Charges in excess of \$15,000.00; containing other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-791 ADOPTED.
13. ORDINANCE approving and authorizing contracts between the City and **ENVIRONMENT CANADA, BP AMOCO, CERYX INCORPORATED, CLEANAIR SYSTEMS, INC, ENGELHARD CORPORATION, JOHNSON MATTHEY, INC, THE LUBRIZOL CORPORATION, SIEMENS WESTINGHOUSE POWER CORPORATION**, and **WANGTEC, INC** for Diesel Emissions Technology Field Demonstration Project - \$672,000.00 - Grant and CNG Vehicle Replacement Funds – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.
17. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **ASHFORD COMMUNITY ASSOCIATION** for Garbage Collection Service for the respective subdivisions - 10 Months - \$60.00 - General Fund - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-792 ADOPTED.
18. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **LAKESIDE ISLAND MAINTENANCE ASSOCIATION** for

Garbage Collection Service for the respective subdivisions - 11 Months - \$132.00 - General Fund - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-793 ADOPTED.

19. ORDINANCE amending Ordinance No. 97-124 to increase the maximum contract amount and approving and authorizing first amendment to contract for Tree Pruning Services between the City of Houston and **MARVIN LEMOND d/b/a PINELAND DEVELOPMENT COMPANY** for the Parks & Recreation Department - \$20,082.81 - General Fund - **DISTRICT D - BONEY** – was presented. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-794 ADOPTED.
21. Omitted
24. ORDINANCE appropriating \$37,220.16 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **HARRIS COUNTY** for relocation of the existing water line along Brittmore Road from 1,150 feet south of Tanner Road to Tanner Road and along Tanner Road from Brittmore to Beltway 8, GFS S-0521-BT-3 (WA10649) – was presented. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-795 ADOPTED.
25. ORDINANCE appropriating \$5,679,403.49 out of Water & Sewer System Consolidated Construction Fund for the purchase of Water Meters, Meter Parts and other materials for the Department of Public Works & Engineering – was presented. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-796 ADOPTED.

Items removed from the Consent Agenda were considered as follows:

MISCELLANEOUS

1. RECOMMENDATION from Director Department of Health & Human Services for approval of additional funding for contract with **JOHNSON CONTROLS, INC** for Energy Management Services - \$55,000.00 - General Fund – was presented, moved by Council Member Castillo, seconded by Council Member Quan, and was tagged by Council Member Todd. Council Member Parker out of city on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding. **(Note: Council Member Todd released his tag later in the meeting.)**

PURCHASING AND TABULATION OF BIDS

4. ORDINANCE appropriating \$30,666.24 out of Parks Special Fund (Fund 491) for Purchase of Outdoor Fitness Equipment for the Parks and Recreation Department –

was presented. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-797 ADOPTED.

- 4a. **GAMETIME c/o THOMPSON RECREATION PRODUCTS** for Outdoor Fitness Equipment for Parks & Recreation Department - Replacement - \$30,666.24 – was presented, moved by Council Member Castillo, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of city on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2000-1092 ADOPTED.

ORDINANCES

8. ORDINANCE establishing the south side of the 1100 block and the north and south sides of the 1200 through 1300 blocks of Bomar Street within the City of Houston as a Special Building Line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas; making findings and containing other provisions related thereto; providing for severability - **DISTRICT D – BONEY** - was presented, and was tagged by Council Members Todd and Goldberg. Council Member Parker out of city on city business. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.
9. ORDINANCE approving and authorizing Interlocal Arena Development Agreement between the City of Houston and the **HARRIS COUNTY HOUSTON SPORTS AUTHORITY** providing for the development and use of a new Multi-purpose Arena and associated Parking Garage in Downtown Houston, and including agreements regarding the Compaq Center - was presented, and was tagged by Council Member Tatro. Council Member Parker out of city on city business. Mayor Brown and Council Member Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Todd stated that he had previously circulated a motion on Item 9 and wanted to make sure that it was recorded as being in, and understood that it was being tagged, that it was circulated around the Council Floor in the morning. Mayor Pro Tem Boney asked if he could speak to what the substance of the motion was, and Council Member Todd read the motion as follows:

Motion by Council Member Todd that:

1. Taxpayers will not be legally obligated to make any long-term debt payments on any sports facility past the expiration date of any underlying lease contract whether for original debt or for any refinancing of the debt.
2. No long-term debt of the Sports Authority will be refinanced if the tenant profits at the expense of the taxpayers.

Mayor Pro Tem Boney asked if he would like to speak to the substance of the motion and how it impacted the proposed arrangement, and Council Member Castillo tagged Council Member Todd's motion to amend Item 9. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that the main item had been tagged and also the amendments proposed by Council Member Todd had been tagged by Council Member

Castillo and they aligned for a little bit of discussion and some response from the Legal Department. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Bell stated that if Council Member Todd would just explain on number two, that there might be a typo, that it did not make any sense. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Mr. Stephen Lewis, Legal Department, stated that having just received it the Legal Department had not had an opportunity to review it and consider it and would be loath to make any comments at this point, and Mayor Pro Tem Boney stated they would prepare some responses during the course of a week's time. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Keller stated they had an item and amendment to it tagged and asked if the City unilaterally had the right to make the ballot language which the amendment was in reference to, and Mr. Lewis asked if he meant for the referendum on November 7, 2000, and Council Member Keller stated that the amendment to the item by Council Member Todd was in reference to ballot language and did they unilaterally decide the ballot language, and Mr. Hall stated they did not decide it at all, and Mayor Pro Tem Boney stated that he thought Council Member Todd had attempted to do was amend the Interlocal Agreement, and Council Member Todd stated yes, that if they amended the Interlocal Agreement it could require that the language be put on the ballot, and Council Member Keller stated that the answer was that the Interlocal Agreement would decide the ballot language, and Mr. Lewis stated it was his understanding that the ballot language had already been developed by the Sports Authority and submitted, that the Sports Authority at a board meeting last Friday made the call for the election and were responsible for calling it and believed they submitted the material to start the process for the election in the three affected counties, and Council Member Keller asked if it was something that could be done separately if it were done, and Mr. Lewis stated yes, presuming it was an amendment to the Interlocal, it was amendable, and Council Member Keller stated he favored putting any vote before the public, but did have one question and thought Mr. Tollett could answer. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Keller moved to suspend the rules to hear from Mr. Gerard Tollett at this time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the city on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2000-1093 ADOPTED.

Council Member Keller asked if in the event that it did not pass the voting public would the City of Houston be reimbursing the Rockets \$3 million dollars, and Mayor Pro Tem Boney stated that if the Sports Authority initiative failed on the ballot would the City of Houston taxpayers be required to refund \$3 million dollars to the Houston Rockets Organization was the question, and Mr. Lewis stated that by Houston taxpayers, the City of Houston had no obligation to make any reimbursement, the Sports Authority did have some agreements with the Rockets in the event of failure of the referendum. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Tatro asked if they were going to proceed to the Public Session at 9:30 a.m. and Mayor Pro Tem Boney stated it was their intention to, and Council Member

Tatro stated that he would request that they end the debate now, and Council Member Robinson stated that he wanted to lay out his amendment, and Council Member Tatro stated he wanted Council Member Robinson to lay out his amendment and did have some comments but would save them until after the Public Session. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated that all Council Members were circulated yesterday and again at the Council table a copy of an amendment to the Interlocal Agreement that specifically stated that no General Revenue Funds would be used in any way, shape or form relative to the Arena. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked if the Members would remove their tags in order to allow Council Member Robinson to lay out his amendment and put it on the table. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Tatro stated that he had intended to tag it but only after discussion, and Mayor Pro Tem Boney stated that Council Member Tatro removed his tag and stated that Council Member Robinson's amendment was in order. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Robinson stated again that he had distributed a written memo to the Members of Council that spoke to the issue of use of General Revenue Funds and was consistent with the memo that was circulated by Mr. Tollett on behalf of the Administration, but just wanted an express statement included in the Interlocal Agreement that General Revenue Funds would not be used and each Member should have a copy before them. Motion was seconded by Council Member Todd. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that Council Member Robinson's amendment did not require a second and was on the table. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Keller asked where would it come from if not the General Fund, and Council Member Robinson stated that the memo circulated and his understanding through all prior discussions was that it would come from the Convention and Entertainment Department revenues and they had a combination of revenues, they got a piece of the Hotel Occupancy Tax in the City. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Council Member Quan stated that last week Mr. Griffin came before Council and talked about the fact he wanted to make sure they had tickets affordable to the general public for the Arena and stated he wanted to make an amendment that the funds for the Visitors and Convention suite be redirected to provide discounted public seating at a reduced price not to exceed \$20, that as they knew the Interlocal Agreement provided for a suite to be provided and would like to see those funds be redirected and would move to amend Agenda Item #9 Funds for the City Promotional Suite, as defined in Item 3(a)(i) of the Interlocal Arena Development Agreement, and as guaranteed at a minimum value of \$250,000 per year, will be redirected to provide discounted public seating for NBA and WNBA regular season games at a reduced price not to exceed \$20.00, and these tickets

will be equally available for purchase by all people, and Council Member Quan stated he would put his motion in writing and circulate it at the Council table. Motion was seconded by Council Member Keller.

Mayor Pro Tem Boney stated they had another amendment to be put on the table and Council Member Quan stated he would get that in writing, that it had been seconded.

Mayor Pro Tem Boney asked Council Member Sanchez if he had an amendment as well and Council Member Sanchez stated no amendments just a question for Council Member Robinson, and Mayor Pro Tem Boney stated they would like to tag the amendments and then move to the Public Session.

Council Member Sanchez asked what was the thrust behind the proposed amendment and guessed he was in town when the whole creation of a Sports Authority was promoted in the City when the residents of Houston were promised that only two streams of revenue would pay for an arena and stadium in the City and that was the Hotel Occupancy Tax and Car Rental Tax and asked if there was some sort of distrust or some sort of impending dipping into City revenues to build the arenas that had prompted him to write the amendment, and Council Member Robinson stated no pending distrust, but his momma always told him that an ounce of prevention was worth a pound of cure, that it was better to be prepared than to try to fix something after it had occurred and the amendment spoke directly to that point because the Convention and Entertainment Department derived its revenues from a number of sources including Hotel Occupancy Tax's and if they could not use any General Revenue Funds it was clearly limited to the line of revenue streams they committed to the voters that they would use and just wanted to make that clear, and Council Member Sanchez stated he agreed and intended to support it he just thought it was a sad day in Houston when they had to offer amendments to doubly protect the taxpayers and residents of the City of Houston from using City money for the construction of the sports facilities, which they were told would only come from two sources, and Council Member Robinson stated that the purpose of his amendment was not so much any fear, but wanted a clear expressed statement on the record, so there would be a little pressure on all of them if they ever thought about, or anybody who came in the future, of moving away from the commitment they made to the voters. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney asked if there were tags on the two amendments and Council Member Castillo tagged the amendments and Item 9, and Mayor Pro Tem Boney stated that all of the amendments and the main Item related to the Interlocal Agreement for the Sports Authority were tagged. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney requested the City Secretary to call the list of speakers.

Council Member Tatro asked if they would pickup the discussion on the Item after the Public Session, and Mayor Pro Tem Boney stated it had been tagged and probably thought it would be more subjective to allow the Administration and lawyers to look it over, discuss it during the week and debate it next week, and Council Member Tatro stated that he had ceded his time based on the fact that they wanted to get to the Public Session but did have some comments and would ask that they continue the discussion

after the Public Session, and Mayor Pro Tem Boney stated that if it was the will of Council they could after the Public Session, and Council Member Castillo suggested that any extended discussion on the arena could be done after the last item on the current Agenda and they could go on forever, and Mayor Pro Tem Boney stated that what Council Members were saying was they may want to take up the item for discussion and some dialog at the end of the Agenda of today, that it could be the last item of discussion. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding.

Mr. L. Chamberlain, 12702 Murway, Houston, Texas 77048 (713-732-5130) appeared and stated that he was present from the southeast quadrant of the City speaking on the Southern Crush Concrete, that earlier in the year the community banned together against Southern Concrete Crushing because of environmental reasons, that as they knew Sunnyside Community had been a dumping ground for several years and used to house the old dumping site back in the 1950's and 1960's and they were still recuperating environmentally from those issues, that earlier in the year they banned together in questioning the permit that was issued to Southern Crush Concrete to be located off of Bellfort and Highway 288, they successfully were able to stop that company from moving there but since then it seemed they had rerouted their entrance into the property off of Almeda and they were present once again to inform and let City Council know that they were people of some intelligence and if they did not intend to come through the front door, then do not expect them to see them going in through the back door, if any environmental companies felt they should come into the inner City for such things they were encouraging that they move to a safer distance from the residence of the inner City and they were present to ask City Council to please hear their plea, please hear their cry that anything that was an environmental threat to any community in the City of Houston they asked City Council to support them and keep those things from hindering their livelihood. Mayor Brown, Council Members Galloway, Vasquez, Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Upon questions from Council Member Ellis, Mr. Chamberlian stated that the company took in the concrete of torn up streets and highways and crush the concrete and it eventually becomes mountains of crushed concrete in their community, it becomes sand and dust and when winds are blown the dust particles fly throughout the immediate areas, that Sunnyside was an old community and housed a lot of senior citizens and they did not need to add one more health related issue to their confines, that the concrete company had tried to permit earlier in the year and were issued a temporary permit to his understanding and they went to the State Environmental Commission which put a temporary halt to it, but for some reason or another Southern Concrete had taken a back door approach to the property and they were not quite sure what their intentions were, that it was in Council Member Boney's district, that they would like to have say so about what went on in their community that would affect them environmentally. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Council Member Boney stated that the City did not permit those kind of facilities and that was one of the reasons that he suggested they take Legislative initiative at the State with the TNRCC to get more authority over those kind of projects and businesses that located too close to residential neighborhoods and asked Mr. Bibler to explain what the law was on it and what their options were legally as a City. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Mr. Bibler stated that he did not even know for certain that they needed a permit from the TNRCC, as he understood it the operation ground up the concrete and sold the aggregate, that there were dust regulations but did not know if they needed a permit or registration from the TNRCC or not, that there was nothing other than the dust as far as he knew, that from what he had seen of those operations there were no chemicals or anything like that and was not like some of the type of facilities that needed elaborate permitting from the TNRCC, and Council Member Boney asked if the TNRCC had any distancing permit for those kind of facilities from residences and neighborhoods, and Mr. Bibler stated that they would have to look into it, but knew that if one of them cause a problem they had a nuisance rule that they could and had enforced in the past, that the City had the ability to do that, that he was familiar with a similar facility in Carverdale and did not know if it had caused problems within the surrounding neighborhood or whether it was the same company that operated it. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Council Member Boney asked that the Legal Department take a special look at the situation, that the company had attempted to develop an agreement with the City of Houston for their old landfill incinerator facility and they stopped that and what the company did was basically pickup and move across 288 and bought some private property there which was further away from the neighborhood but in their opinion still too close. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Pastor Homer Williams, 4018 Redwind Circle, Houston, Texas 77047 (713-733-5174) appeared and stated that he was senior pastor of Blueridge United Methodist Church located at Reed Road and adjacent to 288 and also adjacent to the proposed site of Southern Concrete Crushing plant, that he represented concerned citizens of the Sunnyside area of the Blue Ridge and Reed Road condition and thought that Council Member Boney spoke clearly when he stated it was just too close, that they had been inundated for the last 50 years of being dumped on, that there was a landfill there in that community for about 50 years and he had lived in the community for 40 years as a taxpaying citizen, that they were concerned that they ought to be able to move facilities such as those somewhere else because they were just tired of being dumped on, that they had an incinerator and landfill in that community, that they were concerned about the health and environmental issues of the senior citizens who had worked hard and built that community and now they were afraid that the situation would be deplorable in terms of the health of the senior citizens in that community, that they were just voices crying in the wilderness, and if there was anything that Council could do to help them be able to not have it happen to their community he wished they would be able to do so. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Mr. John Ryan, 9900 Richmond Avenue, Houston, Texas 77042 (713-532-0487) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Ms. Deborah Elaine Allen, 7809 W. Bellfort No. 227, Houston, Texas 77011 had reserved time to speak, but was not present when her name was called. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Mr. Thomas Barron, 1920 Richmond Ave., No. 4, Houston, Texas 77098 (713-529-3512) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Mr. Christopher Cato, 710 Voggess, Houston, Texas 77016 (713-633-3515) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Mr. Jeffrey R. Davis, 5301 N. Sam Houston Parkway East No. 2103, Houston, Texas (281-227-6877) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez, Castillo and Robinson absent.

Mr. Benjamin Reed, Jr., 917 W. Little York, Houston, Texas 77091 (713-742-8376) appeared and distributed pictures of his home and described his deplorable living conditions and stated that he needed help. Mayor Brown, Council Members Galloway, Vasquez, Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Mayor Pro Tem Boney stated that for those Members of Council who were not fully advised or informed Mr. Reed and his spouse were both legally blind and the City of Houston's Emergency Home Repair funding had a limit of \$15,000, that was the most they could put into any individual home and that would not be enough to put Mr. Reed's home up to standard so what they had done was, Mr. Michael Halpert of the Housing and Community Development Department had contacted Houston Habitat for Humanity and they had agreed to contribute \$25,000 toward a new home and that plus the \$15,000 would bring it to a total of \$45,000 that they had been able to raise from both the City and the agency toward a new home and encouraged Mr. Reed to continue to work with community development they had already been able to allocate and find \$45,000 toward and new home and would continue to look for other monies to supplement that if there was a need. Mayor Brown, Council Members Galloway, Vasquez, Castillo and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Quan stated that looking at the photos and because of the conditions that Mr. Reed lived in, was there anything they could provide in the interim while they were looking to build the new house and Mayor Pro Tem Boney stated they would have Housing and Community Development look and find some temporary relocation assistance, that they had been able to do that in some instances, and Council Member Quan asked Mr. Reed to feel free to contact his office if he could not get some assistance, and Council Member Tatro stated that he may be right on the border of District A and B and would also like to be kept apprised of where they were on it. Mayor Brown, Council Members Galloway, Vasquez and Robinson absent. Mayor Pro Tem Boney presiding.

Council Member Todd moved to suspend the rules to hear Mr. Bruce Hotze out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Members Galloway, Vasquez and Robinson absent. MOTION 2000-1094 ADOPTED.

Mr. Bruce Hotze, 5219 Shady River Dr., Houston, Texas 77056 (713-664-7333) appeared and stated that he was present to urge them to lower the City's property tax rate for the upcoming year, that he was urging them to set the property tax rate to make City revenue equal to the change in the CPI and adjust it for the population growth in the City over the past year, that as they knew over the past 20 years property taxes on home owners and businesses had risen dramatically, that many homeowners tax payments were now larger than their principal and interest payments, that when taxes were restrained entrepreneurs, families and individuals had more money to spend on investment and consumption, that it would result in new tax revenues, that lower taxes create strong economies and result in more tax revenues, that there was alternative to raising taxes that never seemed to get mentioned by those professing concern about fiscal health and that was cutting wasteful spending, lets put some reins on the spending horses, that he believed in lower taxes and less government interference, that most Houstonians felt that way, that there were ways to cut waste and fraud in the City budget, that homeowners were restless about property tax increases, HCAD this year had held a record number of value protests and there was going to be an upcoming revolution if taxes continued to rise whether through the City or HCAD and he perceived that City Council should lower tax rates to make tax revenue growth by the CPI, which was 3.8% for all consumers or 4.0% for wage earners and adjust it for the growth in the City's population, that if tax revenues were not controlled or taxes not stabilized there would be another referendum in the City on the tax cap vote, and he urged them to think very cautiously about what they did with taxes in the upcoming year and find ways to cut spending and keep the taxes low for the City of Houston, that everyone wanted growth for the City of Houston. Council Member Galloway, Vasquez and Robinson absent.

Upon discussion by Council, Council Member Boney asked Mr. Hotze if he was going to go to the Harris County Commissioners Court and suggest to the Harris County Commissioners Court that they ought to lower their property tax rates, and Mr. Hotze stated that he had not thought about it until Council Member Boney mentioned it and would take it as a good advisement and do that, and Council Member Boney asked if had had thought about going to the Houston Independent School District and Mr. Hotze stated that he had written to them about it, and Council Member Boney asked what about the State of Texas, did he intend to approach them and did he think they should lower their sales tax, and Mr. Hotze stated that the whole taxes should be lowered, that if there was a surplus the citizens should be given the taxes back that they paid, and Council Member Boney stated that the City of Houston did not have a surplus, and Mr. Hotze stated that taxes in the City of Houston had grown tremendously over the last 20 years and would continue to grow for the average property owner, and Council Member Boney stated that Mr. Hotze had mentioned waste and fraud and asked Mr. Hotze if there was any specific waste or fraud that he could identify for them with regards to the City of Houston, and Mr. Hotze stated that there were many that occurred in the City, the administrators that put balconies in their building and parquet floors, that he was not prepared to answer that question, that they could change their ROCIP program, and Council Member Boney asked Mr. Al Haines when was the last time the City of Houston raised its property tax rate, and Mr. Haines stated it was at least 5 years ago, and Council Member Boney stated they were not contemplating any raising of taxes under the current administration and requested that Mr. Haines prepare a comparison of Houston's property tax rate with other major cities in Texas and across the Country. Council Member Galloway, Vasquez and Robinson absent.

Upon further discussion by Council, Council Member Sanchez stated that the Commissioners Court was contemplating a tax increase this year, and one of the frustrations that tax payers, not only in the City, but in Harris County were experiencing was the rapid increase in valuation of their property, and asked Mr. Hotze if he had given any thought to perhaps working with the Legislature to enact some sort of cap on valuations, that now there was a law in which their property taxes could not increase more than 10% of the previous year, that their property tax was valued at what their neighborhood was doing, and some people argued that was a grossly unjust system and suggested that Mr. Hotze might want to refocus his efforts and see if they could bring some stability, in working with his senators and legislators, to try to revamp the system of appraisals in Texas and in Harris Country. Council Members Galloway, Vasquez and Robinson absent.

Upon further discussion, Council Member Ellis stated that he agreed with Mr. Hotze that the City needed to hold the line on the taxes and the Mayor had tried to set a hold the line budget, but they still were increasing taxes, that if they looked at the past 5 years the ad valorem property taxes had increased at the rate of over 31% and it was a little over 6% on an annual basis, if they looked at the early 1990's, and he had some data to support it and also a motion that he would be putting before Council to amend the tax rate, that he wanted a reduction in the tax rate of 3%, which was equivalent to about two cents but still allowed the City to have an increase in revenue from the property taxes of 2.5% over last year and thought that was a proposal that most of the Council Members could agree with, that it would not affect the bond rating, because they still were increasing taxes on an annual basis, and asked what Mr. Hotze's background was, and Mr. Hotze stated that he ran a family business, that they had two manufacturing facilities in Houston and had large inventories in Houston, that he did not want a tax abatement, he wanted fairness, and Council Member Ellis stated there was a surplus in the City, some 5% surplus, and Council Member Boney stated it was a fund balance and was not cash on hand.

Upon further discussion, Council Member Tatro stated they had a lot of people come down to speak on a lot of issues and this was probably one of the biggest times of the year and Mr. Hotze was their first speaker, that he would be supporting Council Member Ellis's efforts to reduce the rate while at the same time having an increase, that the property tax was 45% of the City's revenue stream, while at the County it was 90% or more of their revenue stream, and he thanked Mr. Hotze for being present and bringing that important message down, that people needed to know that it was coming before them, and when it was set they would have a voice in it and wished more people would take the opportunity to come down and take a look at some of the hard numbers and revenue streams and the way the City was headed financially.

Upon further discussion, Council Member Keller stated he believed it was a tax increase by the law of changeability which was if A equals B, and B equals C, then A equals C, and the HCAD valuation was a variable in that formula, and he wondered why if the Nation and State had a surplus, why could the City not do it, that the administration had exercised great energy in allowing him and others to improve the system of Public Works and Building Services which was talked about today, and Mr. Hotze stated that if they did not put so much of the City in TIFF or TIRZ the tax revenues would be up, that it

was not fair that the homeowners had to carry the burden of growth in the City of Houston downtown. Council Members Galloway, Vasquez and Robinson absent.

Upon further discussion, Council Member Castillo stated that the district he represented was one of the oldest parts of town with a per capita income of somewhere around \$7,800 and that was the area that was overlooked and passed over for decades while the City was growing out west and southwest, that during all that time all the amenities that other people took for granted like good running water, sewer system and ditches they did not have and still right now were just catching up, so when he talked about the tax rate he was really talking about reducing the ability to be able to fund the budget that took care of getting the ditches in Denver Harbor redug and Pecan Park and Park Place so that people would not be under water and reducing the ability to take care of the broken water mains, and he hoped that when Mr. Hotze talked about reducing the tax rate he would consider the impact it had on bread and butter issues in parts of the City that he and Council Members Boney and Vasquez represented, that it was a good argument in the abstract, but when they talked about how it affect people's lives it affected the minimum standard of living that Mr. Hotze expected and that the people that lived in his area enjoyed, that it was really something that struck at the bone and tissue of their community and would hope that he would take it into consideration. Council Member Galloway, Vasquez and Robinson absent.

Upon further discussion, Council Member Todd stated there was a quote that he had always loved on taxation, "That the art of taxation exists and so plucking the goose as to obtain the largest amount of feathers with the least possible amount of hissing" and in the City of Houston that seemed to be the case, whether they were paying taxes to the County, Federal Government, homeowners associations or whomever, that he intended to support Council Member Ellis's amendment too, but would like to suggest they follow up on a comment that Council Member Sanchez had stated, that it might be a good idea to go to the Legislature. Council Members Galloway, Keller, Vasquez and Robinson absent.

Upon further discussion, Council Member Boney stated he was sensitive to all people who paid taxes, because he paid taxes, but at the same time he was not willing to let people confuse people, what irked him more about the discussions of finance and taxes was that people used fancy words and misstated facts and confused people so that the general ordinary everyday working public did not understand what the facts were and did not make informed decisions, that the City of Houston government had not raised City of Houston taxes since 1995, that was a fact, however Harris County Commissioners Court had both raised taxes and changed the appraisal on property taxes that had produced more revenue for everybody who benefited from that revenue stream, that they passed the budget in June based upon the tax rate remaining the same as it was last year and the years before that, so when they talked about cutting the tax rate they were talking about cutting some services, that he did not want it confused with the Arena or the Olympics, because it had nothing to do with it, it was a separate revenue stream that was determined by law, by the State, that they could not touch for any of the other items even if they wanted to, that yes maybe they ought to lower taxes on everybody, but they needed to understand what the impact of reducing the taxes to the whole, not just the few. Council Members Galloway and Vasquez absent.

Council Member Sanchez stated that the City of Houston was about to make a decision to plow \$20 million dollars into the construction and/or the purchase of a piece of property for the Arena, that the decision could easily be made that the priorities were elsewhere, that he wanted to also talk about tax increment reinvestment zones, that the department who promoted tax increment reinvestment zones was Finance and Administration, that tax increment reinvestment zones and tax abatements had always been promoted on the theory that it generated sales tax revenue because they brought in all the additional revenue, yet the revenues were not meeting the projections that F&A was putting out, that there were a lot of important decisions that were made rather casually around here without long term implications. Council Members Galloway and Vasquez absent.

Upon further discussion, Council Member Robinson stated that he had written three legal sheets of issues and ideas that he had been discussing at Council since he got there, that the last time they had the property tax cut issue he voted for the cut and funded the cut he voted for with the miscellaneous accounts, at that time there was \$14 million dollars that he could identify and did not even go through all of them, that there was not multiple revenue streams, only one, the working men and women of the City, that he was not going to read the whole list, but just a couple of things, that he had made a conservative effort consistently to talk about expenditures in the City not just revenues, that he was glad that everybody was on the Sports Authority surplus, that he had been talking about that for months and people looked at him like he was a fool, that he had talked about a 4B Corporation which was an economic development vehicle that developers could use revenues from their own projects to issue debt tax free and they could cut back tax abatements, that it passed out of committee and was still stuck in the administration, and he asked why did they not do like Farmers Branch and Plano Texas did and create a tax dividend program and they would have a real discussion every budget cycle to say to taxpayers that they had surplus, here was how much it was, here were the priority investments and if they had anything left they would give it back to the taxpayers, that was the kind of discussion, creative and ingenuity, they ought to have at the Council table and not just spend, spend, spend. Council Members Galloway, Todd and Vasquez absent.

Mayor Brown stated that Mr. Hotze had indicated in his opening statement that there was a lot of fraud in the City government and asked Mr. Hotze to help them identify that so they could conduct an investigation and arrest those people who were involved in the fraud, and Mr. Hotze stated that it went back to 1997 before his administration, that there was waste in the government, in his company and in every company and every operation, that it needed to be sought out and taken care off, and Mayor Brown stated that if he was making an accusation they would need some specifics so they could investigate and give to the District Attorney for investigation and prosecution, and Mr. Hotze stated he had nothing to bring forward at this time. Council Members Galloway, Boney and Vasquez absent.

Mr. H. R. Bush, 1719 Bethlehem, Houston, Texas 77018 (713-682-0789) appeared and stated that he was present to represent 1,300 people, whose names were gathered in less than a week, to protest a bridge over a drainage ditch at the end of Rosslyn Road at the 4400 Block and displayed a map of the location and pointed out the proposed development at the end of the ditch, which went right through their neighborhood and they were real concerned that if the bridge was ever built they might end up out on 249.

Mr. Bush displayed a petition and stated that this had gone on under Mayor Bob Lanier and Council Member Helen Huey, that there were 400 signatures on the petition and it removed Rosslyn from the CIP for a major thoroughfare, that they had a new one with 1,300 signatures in less than a week of citizens who stated they did not want a bridge over the drainage ditch at the 4400 block of Rosslyn Road, that they made headlines on the Leader not the Houston Chronicle, that he had found out by accident about three weeks ago about the bridge over the drainage ditch connecting Rosslyn Road at the 4400 block where it dead ended to the north side of the ditch, that he was stunned because like other citizens and neighbors who trusted the City and thought that the petition in 1992 getting Rosslyn off of the major thoroughfare and the CIP was enough to protect them, they were wrong, that they made copies of the 1992 petition and hand delivered them to the Mayor and each Council Member, that they felt that it would lead to a widening and extending of Rosslyn Road, that they realized it was a small concern, but they wanted and expected out of fairness a delay to give their neighborhoods and neighbors more time to study the situation, that it had been in the works for over two years and they as taxpayers and voters expect the same consideration and in summary no bridge because of flooding, traffic, extension of Rosslyn Road, noise, air pollution and environmental pollution. Council Members Galloway, Keller and Vasquez absent.

Council Member Tatro asked how long Mr. Bush lived in the area and he stated that he had lived in his present house 27 years, had lived on Viking since 1954 and on Hewitt, so they were very old in the neighborhood, and Council Member Tatro stated that if ever there was an issue to come before Council about neighborhood oriented government or neighborhood protection this would be it, that with the 1,300 signatures it showed exactly what the community support was on it, that it was a very important issue for the area and knew that Acres Homes people would be supportive of the effort, and that was to stop Rosslyn from being extended, that clearly it was a significant neighborhood undertaking and issue and asked for Council's support when the future item comes before Council, to protect the neighborhoods and asked for the Mayor's support because he understood that there was a traffic study that needed to be done and he had requested that the City fund that traffic study because that would need to be done to remove Rosslyn from future consideration. Council Members Galloway, Boney, Keller, Vasquez, Castillo and Robinson absent.

Council Member Quan asked Mr. Bush if he did not want the bridge over Rosslyn because in the long term they were afraid it was going to get to Pinemont and it would be a thoroughfare or did he not want the bridge extended at all, and Mr. Bush stated that they did not want it to go through to Pinemont, that they were concerned about condemnation and eminent domain. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated there would be a meeting on Thursday night with Public Works and they would brief the community as to where they were, that the requirements had not been completed yet and the studies had not been conducted. Council Members Galloway, Boney, Todd, Keller, Vasquez, Castillo, Sanchez and Robinson absent. (NO QUORUM PRESENT)

Mrs. Jean Bush, 1719 Bethlehem, Houston, Texas 77018 (713-682-0789) appeared and stated that she was just one person but was speaking for the concerns of over 1,300 people in their neighborhood, that they had such wonderful support but she spoke of

them when she stated, no bridge over drainage ditch on Rosslyn, that she was a native Houstonian as was her dad and she loved Houston, her neighbors and her church, that it was a community where they could talk to their neighbors, that relocation was not an option for her, that she loved the City and promised to fight all the way to keep it that way, from turning into a City that did not care for anything but developing and increasing tax revenue, with no thought to the flood controls and the safety of people, stop, look and listen, stop, don't ruin their neighborhoods, look, look at the problem they have, and look at it with open eyes and look at it as they look at it daily, listen, listen to the concerns of the voters, they all needed their help to keep their City one they could live in and not just commute back and forth to work, a place they could watch their children and grandchildren playing, riding bikes, walking, roller bladeing and jogging, that they had a bicycle trail on Bethlehem and Rosslyn and they had people walking their animals daily, their environment did not need more cement they needed grass that their children could play on, that they wanted their City one they all could be proud of and a place where they would not be afraid to go outside their doors, do not listen to just one developer at the detriment of all the people and homes in their neighborhood, Houston, they had a problem. Council Members Galloway, Boney and Vasquez absent.

Upon questions by Council Member Tatro, Ms. Bush stated that it was about a mile from the ditch to Judiway where it was solid residential, solid residential cross streets, heavy neighborhood density plus a school, that south of Judiway they had some commercial, and north of the ditch they had commercial, that if the ditch was cut through to Pinemont it would add so much traffic in their neighborhood and would be unbearable, that most of the Pinemont area was commercial and there would be trucks of all sizes running through their neighborhood plus the buses. Council Members Galloway, Boney and Vasquez absent.

Ms. Brenda Barnes, 11555 Airline, Houston, Texas 77037 (281-447-8105) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Boney and Vasquez absent.

Ms. Bessie Swindle, 4103 Madden Ln., Houston, Texas 77047 (713-738-7902) appeared and stated that she was President of the Southeast Coalition of Civic Clubs, located in the Sunnyside area, and was present because they had a great concern, that there was a company called Southern Concrete Crushing Company and they had been issued a temporary permit and it was rescinded by the help of Al Edwards and Ron Wilson and right now they had purchased land from Exxon/Mobil where they were finding another way to build the concrete pit in their area, that they had worked real hard in Sunnyside and she was present to ask, especially the Council Members at large, to see what could be done to help them, that the concrete company would build pits and have concrete high as a hill, that she had obtained a map from Al Edwards office and on the map it showed where all the pits were located in minority areas in Houston, that they had not been able to do anything to the land but fix it to put the crusher in and whatever else they needed and as of right now they were going to come back and reapply for a permit and she was present to ask if there was anyway the City could help them because of the fact that she understood the City had a contract with Southern Concrete Company, that she realized they had to have a way to get rid of the concrete but maybe there could be a clause in that contract where they had to relocate before they put anything in their area, that she had driven down 288 and Beltway 8 and there was a lot of land out there, so there had to be some way that they could be stopped with their having that many pits in

minority areas, that she was pleading to all Council Members who would have a vote on it and would have a vote on their contract to please think about their health out there, that they had just gotten to the point where they had a community college, they had a ground breaking, they had some townhouses that had gone up around 288, they had a new fire station that was going up at 288 and Reed Road, they had a police substation they put up out there and had numerous schools and senior citizens living out there, that there had to be a way to slow it down from going into minority areas. Council Members Tatro, Galloway, Ellis and Vasquez.

Mayor Brown asked if she was aware that the issue was before the State, the TNRCC, and that she should voice her complaints there, and Ms. Swindle stated they had already done that and understood they were in the process of reapplying for another permit and Al Edwards and Ron Wilson stated they would go back and revise the requirement for those permits and that was when they were told to go the City and see what the City could do since they had a contract with them, and Mayor Brown asked Mr. Bibler what authority the City had in the matter. Council Members Tatro, Galloway, Ellis and Vasquez.

Mr. Bibler stated they did not have zoning and basically the most direct approach to it would be to possibly oppose the permit, and was being told tentatively that it was a full blown permit process as opposed to a recipe type permit like the issue with the place out in Spring Branch, that they in the Legal Department had not been advised by Dr. Berger or other members of the Administration that there was an issue with it that would form the basis, technically, for their opposition, but supposed the most appropriate thing at this time would be to ask Dr. Berger or some other appropriate person to coordinate with the various City departments and determine whether or not the City had a basis, technically to oppose it, and Mayor Brown asked Mr. Bibler to take it upon himself to contact whatever City agency he needed to provide an answer to the question. Council Members Tatro, Galloway and Vasquez.

Upon questions by Council Member Bell, Ms. Swindle stated it was Southern Crush Concrete Company, that Al Edwards had been meeting with representatives of the company and they had never appeared at any of their townhall meetings, that Al Edwards and Ron Wilson had taken up doing the legal work for them, that they had been invited but not made any appearance, that they had a permit, which she understood, was given without the full authority so the permit was rescinded and she understood they would go ahead and apply for another permit, that she understood they were supposed to have a public hearing before they could apply for it, and so far nothing had come up about a public hearing, but they had cleared part of the land and had the part facing 288 covered with trees so they were working in between the trees and could only be seen when traveling on the top slope of the freeway, but on the ground level you could see nothing but trees, but they had found a way to go down Alameda, Holmes Road and East Alameda and build a driveway going in the back way, that she would contact Al Edwards office and get company contact information for the Council Members, and Council Member Bell asked Council Member Boney if it was the same plant that was originally planned for another area in his district, and Council Member Boney stated yes it was. Council Members Tatro, Galloway and Vasquez.

Upon questions by Council Member Sanchez, Ms. Swindle stated that she had left it up to Al Edwards and Ron Wilson to make contract with the company, that they had tried

having two townhall meetings and no one came representing the company. Council Members Galloway, Vasquez and Robinson absent.

Council Member Boney stated it was a continuing problem, that in Spring Branch it was the grease spot, in Sunnyside it was crushed concrete, that what they continually found was that the lower income, minority areas had a plethora of those kind of facilities, that Sunnyside had two landfills, an incinerator and a crushed concrete plant, that historically over time those kind of facilities, and suggested that Ms Swindle call Exxon/Mobile, because Exxon/Mobile had enough money and did not need to sell their property, that they needed to take it to the streets and let Southern Concrete know they were going to make it a public issue, that they had to step up in their neighborhood if they were going to get the quality of life and protect the policy issues, and Council Member Boney asked Mr. Al Haines if they could review if there was anybody other than Southern Crush Concrete that could offer the same kind of services to the City, that he thought they had a monopoly but wanted to make sure that there was no other business that could provide the service to the City if the City so chose. Council Members Galloway, Goldberg and Vasquez absent.

Council Member Sanchez asked if the regulations promulgated by the TNRCC were set by the Legislature or was it an independent body that made the determinations in terms of distance from neighborhoods and Mr. Bibler stated that there was no specific distance from a neighborhood as far as he knew. Council Members Galloway, Vasquez and Robinson absent.

Council Member Boney stated he saw Mr. John Hall in the audience and that Mr. Hall used to be with and ran the TNRCC and suggested that Ms. Swindle visit with him and see if he had any other ideas. Council Members Galloway, Vasquez and Robinson absent.

Mr. John B. Jackson, 4201 Larkspur St., Houston, Texas 77051 (713-733-6544) appeared and stated that he lived in the Sunnyside area and moved out there in 1962 with his family, that when they moved into the area he thought they had moved into a very good neighborhood but a few days later they found out they had a City dump out there and when they awoke about a week later the wind changed and it brought the particulars and smell into their homes, that the wind started blowing from south to east, that the crush company wanted to put a plant in their area, that there was one on Holmes Road now at the 4800 block, that they had about a 40 foot high stack and a 7 foot fence to block the particulars from going into their homes, schools and churches, that it was very detrimental to their health, that they did not know whether all that concrete was coming from the freeways or not, that as to the City dump laying there, they could not see anything, but when it rained it washed the particulars into their ground water, when the wind blew it blew the old particles into their homes and into their children's lungs, that they had schools, elementary, junior, senior and private schools in the area and their children had to breathe it every day because they let some company go in to make a dollar, that they needed to help them in Sunnyside, that they were proud that the Houston Community College was building a college in their community, that it was only one half mile from the 40 foot stack of dust, that the dust traveled a distance and it would land in the students lungs who were trying to learn to try to help the City to survive, and he hoped that they could do something to help the Sunnyside community. Council Members Tatro, Galloway, Vasquez, Quan and Robinson absent.

Ms. Margaret Jenkins, 1075 Dulcimer St., Houston, Texas 77051 (713-738-7128) appeared and stated that she was present on the same issue, the Southern Crushed Concrete, that she had lived in the Sunnyside area for approximately 30 years and was very concerned, that she was a worker in the community, about the health issue, that it was not so much about the business itself, but it was where it was located, that when every resident got up that morning, she got up at 5:30 a.m. and walked outside, they thought something in the neighborhood was on fire, they had no control over the way the wind blew, whatever was in the air it blew in the direction of where the wind was blowing, so that morning the smoke smell came from another neighborhood from grass fires, that when the wind blew and they were crushing concrete it did not matter where they were located the concrete was going to blow in the direction where the wind was blowing and that was a health hazard, that most of the people in the Sunnyside area were retired and were elderly people, that even the young school children did not breathe the dust, that she did not believe that there was nothing in concrete, there had to be something in concrete in order to have it formulated into the hardness of concrete, so whatever sediment came out when they crushed the concrete, they were breathing that as a health hazard, that it was like having a cat in the house, they may not see one hair, but eventually over a year they could find a hairball in a corner of their house, so eventually in breathing the concrete year after year, day after day, it becomes a health hazard, and that was what they were talking about, that she had nothing against the business, but go somewhere else other than in the City limits, that they were working at night while the neighborhood slept, so the next morning everything was done and completed. Council Members Galloway, Vasquez, Castillo, Quan and Robinson absent.

Ms. Jeanie Ashiru, 1006 Sierra, Houston, Texas 77051 (713-738-7597) appeared and stated that she was a very concerned citizen who lived in the Blueridge area which was next door to the Sunnyside area, that her concern was with the proposed Southern Crushed Concrete Plant planned for the location 288 near Reed Road, that the last application was rescinded, however they were aware of the possibility that the proposed plant may be licensed or used as a storage facility for crushed concrete, they did not welcome that business into their neighborhood and believed that their community, who only recently had seen the relocation of the Holmes Road Landfill, had paid their dues, that they were plagued with the dump for nearly 40 years and wanted relief from further urban tarnish to their neighborhood, that whatever system was commissioned to review the matter should consider their past contributions, that their area had been prone to environmental racism, that they had been the last to get City services, but the first to get the stench of the dump and poor air quality of a concrete crusher, that there was already a similar plant within five miles of the current planned facility and that should be enough white dust in their area, that they respectfully requested their reconsideration and urged a detailed analysis to the subject which concerned their neighborhood, health and welfare of their children. Council Members Galloway, Ellis, Vasquez, Castillo, Quan absent.

Council Member Robinson stated that he had been informed that they could at least write to the EPA relative to the siting irregularities or the assertion that the siting by Southern Crushed Concrete was being done in a racist manner and make a request to the EPA to have the TNRCC investigate that allegation and stated to Mr. Bibler that he understood there was nothing in the State Statute that would prohibit Council from adopting an ordinance that would apply distance restrictions from a residential area

relative to it and was interested in knowing if that was correct. Council Members Galloway, Ellis, Vasquez, Castillo, Quan absent.

Mr. Bibler stated that he would have to determine whether or not it was in a class of things that the State classified as being an overall category of a landfill, if it was then they could not adopt an ordinance saying where those things could not be unless they geographically said where they could be and City Council was never willing to adopt such an ordinance, that they had to determine whether it was in that class, if there was a basis to oppose it than they could oppose it, but that was a serious issue where they would bring it to Council based on recommendations by department heads and City Council could expect that it would probably run in the range of a few hundred thousand dollars to mound a serious defense. Council Members Galloway, Ellis, Vasquez and Castillo absent.

Council Member Robinson stated that he knew that on the Agenda they had before them a former chairman of the TNRCC and would ask that they use that resource to look into whether or not they could in fact delineate distance restrictions from a residential area or if it was as Mr. Bibler stated the case may be whether or not they had to say where they could be and also ask that his assistance be brought to bear on a letter from the City to the EPA relative to the assertions on the racial siting of Southern Crushed Concrete so they would at least get an independent investigation on that allegation. Council Members Galloway, Ellis, Vasquez and Castillo absent.

Mr. Ron Hanley, 3119 Maysel, Houston, Texas 77080 (713-467-9790) appeared and stated that it was his fifth time speaking before them and his topic was Federal Flood Prone Area versus Federal Deficit Greed and Bush Birth Defects, that he was fixing to put up a political sign in his yard and that it would read as follows, vote for the president's son or fed S&L con-man Neil Bush's brother, that Texas education teaches that Texas killed 300 injun tribes, that Texas was injun for friend, that Texas stole six states from Mexico, that U.S. steals Mexican oil, drugs and labor, that LBJ was one slug in the brain pan Dallas motorcade parade, NAM, police killing and drugs, that dad vetoed minimum wage and civil rights, dad passed federal S&L fed bail out, Neil's half a billion dollars and torched 650 oil wells, fed in breeding was corrupt, racism, drugs, greed and war, that Texas was war, drugs, greed, racism and trial by jury joke, say no to drugs, say no to Texas, dad, Neil, Jeb and gov junior were fed inbreed birth defects, that Ron lost his home in 1991 to 1996, 5 years, Ron is single, three bathroom and sold to Mexicans, all religions, nature, evolution, corporations, common sense and education say no inbreeding, plagiarism was corrupt, and he asked Ms. Russell if she had received his citation from the constable for the injunction against the City of Houston, and Ms. Russell stated that she had not seen it personally and if it was received the staff probably handled it. Council Members Galloway, Boney, Vasquez, Castillo and Robinson absent.

Ms. Fernell Williams, 5103 Silver Creek W13, Houston, Texas (713-640-4200) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Boney, Vasquez, Castillo and Robinson absent.

Mr. Charles Hernandez, 412 Drew No. 1, Houston, Texas 77006 (713-521-7841) appeared and stated that he was present to address them on matters that he had tried for two years to take care of through more direct means with the individual departments, but had no noteworthy resolution, that he had tried to supply some visual representations of

his concerns, that the primary of his concern was the problem of buses improperly using the loading and unloading overhead flashers and stop signs causing confusion among drivers who then failed to stop, that it was a citywide problem, that secondary would have to be the lack of safe signage, lack of parking areas for parents and buses, and lack of a crosswalk for students and parents crossing Taft at Gregory Lincoln Education Center, that he had included proposed changes that would help in alleviating the situation, that Neighborhood Protection was unwilling and unable to do anything of consequence to illegal dumpers, their procedure was to write giving 30 days to correct the problem and in that time Solid Waste picks up the original trash and they put new trash which requires a new 30 day notice, that trash dumpsters were placed in the right of way on sidewalks and companies were usually non responsive in moving their dumpsters before their next scheduled dump date, that one final thought was that it was not apathy about taxes they knew they must pay for services, that while they would all like to pay less and get more, pay no taxes and win the lottery, he hoped they would disregard irresponsible ideas of irrationally cutting property taxes when everyone knew that the City had a cash balance shortage and was building new stadiums which were increasing property values, that they would never have surpluses as long as people wanted the taxes cut, to those Council Members so anxious to save he would suggest cutting their salaries.

Mayor Brown asked Mr. Hernandez to meet with Mr. Robert D. Young on specific sites where he had problems. Council Members Galloway, Boney, Vasquez and Castillo absent.

Mr. Cliff McDaniel, 9701 Stella Link, Houston, Texas 77025 (713-599-1800) appeared and stated that he was present to discuss a real estate transaction that he was a part of as a real estate broker, that it was an apartment property that was located at 11555 Airline, known as Glen Willow and the property had been in disrepair for many years, that he had a contract that had been signed and executed and was due to close September 15, 2000 with Bank of America and their plans were to take the property and either demolish the rest of the buildings or rehabilitate the apartments up to a Class B plus standard, that Wednesday of last week a department of the City went out and took bids for demolition of two buildings on site and had pictures where they had determined that the buildings needed to be demolished, that he had pictures to show that the buildings had been boarded up and a fence was being erected around them at this point, that the problem was if the City demolished those two buildings before the deal closed it would open up the contract and right now there was \$64,000 at the title company that was at risk if they demolished the two buildings, it would open up the contract and give Bank of America an opportunity to get out or would bring a lot more discussion into the transaction, so he was asking for a 30 day reprieve so they would not tear down the two buildings at least until October 6, 2000 to give him an opportunity to get the transaction closed.

Council Member Robinson moved to suspend the rules to hear Mr. Randy Pourteau, City Attorney's Office at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Members Galloway, Boney, Vasquez and Castillo absent. MOTION 2000-1095 ADOPTED.

Mr. Pourteau stated that Mr. McDaniel represented the corporation who owned the apartment project, that there were secure, repair or demolish orders entered on the

project two years ago and sometime after that the project was acquired by the corporation who presently owned it and last summer the corporation entered into an agreement with the City for a comprehensive repair of the entire project, that there were thirty some odd buildings, that there was a schedule for him to abide by in terms of asbestos abatement and then three schedules for three separate sets of buildings to begin and complete repairs to, that he had not kept his promise and as part of that bargain the corporation also put up a letter of credit, \$85,000, authorizing the City under certain circumstances to utilize that money to demolish the buildings, that Neighborhood Protection took bids last week and did not know whether those were back or not but that was where they were with the project. Council Members Galloway, Boney, Vasquez and Castillo absent.

Upon questions by Council Member Sanchez, Mr. McDaniel stated that the gentleman who owned the property was Sam Pinter and lived in New York, that he purchased the property in bankruptcy in March 1999, and at that time had no knowledge that the City had issued demolition orders, that he became aware soon afterwards because he took immediate possession, that he was not going to argue the point, that everything that Mr. Pourteau stated was absolutely correct, that it was true they had the right to demolish the buildings, but what he was asking for was not justice but maybe mercy, that they have a time span where they would be able to get the property closed, that in the end interest of the City he thought it would best be served that a large institution had an interest in redeveloping the property, that Bank of America would be a better owner than the current individual. Council Members Galloway, Boney, Vasquez and Castillo absent.

Upon questions by Council Member Sanchez, Mr. Pourteau stated that it was the Building and Standards Commission that handled it and believed that due process was afforded to the prior owner, that it had been two years, that there was a binding contract supported by a letter of credit promising to make the repairs to the City that was entered into by his principal over a year ago and the Neighborhood Protection Division was prepared to go on with what they were authorized to do with the agreement, and Mr. McDaniel asked if they asked for bids on Wednesday and got the bids back on Thursday could they physically possible to do all the things they needed to do within the City government in order to begin the demolition within 30 days and did they plan to do so within 30 days, and Mayor Brown stated they could get an answer for him. Council Members Galloway, Boney, Vasquez and Castillo absent.

Upon questions by Council Member Todd, Mr. Pourteau stated that Mr. Samuel Pinter whom he had conversations with, was the principal stockholder of that corporation and he had a contract to sell the property to Bank of America, and he entered into a contract with the City that was countersigned by the Controller in July 1999 and promised to rehabilitate the apartments, that the document was very detailed and it was backed up with a letter of credit, that they had not filed suit on the contract, that their remedy was simply to demolish and draw down against the letter of credit up to the entire amount for demolition costs, that the letter of credit was about \$85,000, and Mr. McDaniel stated that Bank of America had indicated to him that they were going to demolish the entire property and rebuild it, and if he could just get through that period of time and nothing else changed he could close the transaction. Council Members Galloway, Boney, Vasquez and Castillo absent.

Upon questions by Council Member Quan, Mr. McDaniel stated that he had been present before about the same contract, that since that time the price on the contract had been reduced, that the bond agreement between the owner and the City was disclosed and was part of the agreement, and they had the ability within the contract that if the buildings were demolished to kill the contract, that he was asking for a 30 day delay, and Council Member Quan asked Mr. Pourteau if it was definitely scheduled within the next week or two that the property would be demolished and Mr. Pourteau stated he had no knowledge of that, that it would be up to Ms. Bea Link and the Neighborhood Protection Division.

Council Member Quan moved to suspend the rules to hear Mr. Greg Simpson, Neighborhood Protection, at this time, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Members Galloway, Boney, Todd, Vasquez and Castillo absent. MOTION 2000-1096 ADOPTED.

Upon questions by Council Member Quan, Mr. Simpson stated no, that the property was not scheduled to be demolished within the next 30 days as of this point, that they had requested bids on August 31, 2000 and had received two of those back, that there were 14 contractors out there and were waiting on the rest, but without all the bids no work had been scheduled, that once the bids were in it could be the very next day or could take an amount longer than that, he could not say at this point, that he could not say if the project could occur by October 1, that the City's position was that if they got to the point where they could do the work, they had the right to do the work, and Council Member Quan stated that if Mr. McDaniel just needed a couple of weeks to get it done he would be willing to give him a break because they did not know exactly when they were going to get it done. Council Members Galloway, Boney, Todd, Vasquez, Castillo and Robinson absent.

Mr. Augustine Castillo, 11003 Erin, Houston, Texas 77009 (713-697-4253) appeared and stated that he still had a problem with trashed cars and all sorts of people using the sidewalks for their own business, that 311 Patton was new construction and were not maintaining the proper right of ways clear, that Neighborhood Protection had been slow in telling them how to maintain that area and clear up their debris from the construction, but it looked like Mr. Greg Simpson was going to take care of that, that one greater problem was 1006 Henry Street, that they had been at that location for years and had big problems there in the past, that Legal had taken care of it in the past and there still had been no change there, that the police department stated they had a problem giving tickets there and getting the cars off the sidewalks and getting the people to do their business inside their property. Council Members Galloway, Boney, Todd and Vasquez absent.

Mayor Brown stated that since Mr. Simpson was taking care of part of the problem they would have the Planning Department work on the other problems, and Mr. Castillo stated they needed the police also. Council Members Galloway, Boney, Todd and Vasquez absent.

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

Ms. Elanda Richard, P.O. Box 226, Houston, Texas 77038 (281-931-3016) appeared and stated that she was with Mothers Against Molesters and did not know if this was where she was supposed to be, that she had been working with Andy Kahn, that her kids were molested last year by a man who was impersonating a police officer, that he was a repeated sex offender and was on parole and probation at the same time, that she did not know exactly where to go to find help. Council Members Tatros, Boney, Todd, Keller and Vasquez absent.

Mayor Brown stated that Mr. Cantu would meet with her and see what could be done. Council Members Tatros, Boney, Todd, Keller and Vasquez absent.

Mr. Robert Smith, 9342 Greensward, Houston, Texas 77080 (713-984-1352) had reserved time to speak, but was not present when his name was called. Council Members Tatros, Boney, Todd, Keller and Vasquez absent.

Ms. Vickie Bell, 1309 Bomar, Houston, Texas 77006 (713-523-0752) had reserved time to speak, but was not present when her name was called. Council Members Tatros, Boney, Todd, Keller and Vasquez absent.

Ms. Vinita Hicks, 8958 Forest Hollow, Houston, Texas 77078 (713-674-8701) appeared and stated that she was prepared to speak, but had been speaking with members of Citizens Assistance and had decided that before bringing it up to Mayor Brown and after speaking with Ms. Dillard and Mr. DeYoung to sit back and see if they could resolve the issue for her before bringing it before Council. Council Members Tatros, Boney, Todd, Keller, Vasquez and Sanchez absent.

Ms. Gladys Yvonne Carter, 5034 Pershing, Houston, Texas 77033 (no phone) had reserved time to speak, but was not present when her name was called. Council Members Tatros, Boney, Todd, Keller, Vasquez and Sanchez absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated he had a United States Government document that stated he was the President of the United States of America and would like to submit the document to Mayor Brown and the City Attorney for verification to see if he was really the president because he hated to lie, and continued to voice his personal opinions until his time expired. Council Members Boney and Todd absent.

Mayor Brown stated they would have the City Attorney make a ruling on his document to see if it was valid. Council Members Boney and Todd absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Council Members Boney and Todd absent.

At 11:50 a.m. the Public Session was completed; and Mayor Brown asked that the City Secretary continue with the Agenda.

10. **ORDINANCE** approving and authorizing application to the **U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA)**, to fund the Cultural

Awareness and Diversity Training Program for Law Enforcement Officers Grant; declaring the City's eligibility for such grant; authorizing the Chief of Police to act as the City's representative in the application process; authorizing the Chief of the Police Department, or any designated Assistant Chief of the Police Department, to accept such funds and to apply for and accept all subsequent awards, if any, pertaining to the application – was presented, and was tagged by Council Member Tatro. Council Member Tatro stated that he had tagged the item for Council Member Parker. Council Member Parker out of the city on city business. Council Members Galloway and Boney absent.

11. ORDINANCE approving and authorizing contract between the City and **JOHN HALL PUBLIC AFFAIRS, INC** for Consulting Services related to the Implementation of the Federal Clean Air Act; providing a maximum contract amount - \$250,000.00 - General Fund – was presented.

Council Member Ellis stated that he was in favor, and upon questions Mayor Brown stated that any legislation would be run through Council Member Sanchez's committee. Council Members Galloway and Boney absent.

Upon questions by Council Member Sanchez, Mr. Haines stated that there was no RFP issued on this recommendation but there was one prior to this, two years ago, this was a new agreement, but the primary reason for not doing another RFP was that they were very close to completing the activities related to the state implementation plan and Mr. Hall had been engaged in the activity for a significant amount of time and his relationship with the TNRCC and activities with the private sector and he believed it represented significant value to continue. Council Member Sanchez stated that he knew Mr. Hall brought expertise, but his issue was the compensation side, what assurances did the taxpayers have in knowing this was the best price available for this type of representation; and Mr. Haines stated that for compensation purposes this was a no change agreement from the prior year and he believed less than the original; that it was a one year agreement, one option for one more year. Council Members Galloway and Boney absent.

Council Member Robinson stated that on a related item a couple of weeks ago he had the same concern with the water lobbyists and he had no problem with Mr. Hall, but if they were going to scrutinize his contract then they needed to do it with all the lobbyist; that if they did not let other participate or go back into the marketplace they became held hostage on a monopolistic basis and had resource lock. Council Member Sanchez stated that he agreed and that was his same concerns; that this appeared to be imminently reasonable, but he agreed they needed to know what type of talent was out there; and moved to amend the contract so that after the city exercised its last extension there must be an RFP. Council Member Robinson stated that he would make a broader statement so that all contracts that were like this would be reported to Council when they expired so a serious evaluation could be done so that they could go out on an RFP or RFQ and he would ask the Administration to look at that. Council Member Galloway absent.

Council Member Castillo stated that this item was a professional service and he believed they were in an area that involved knowledge of the TNRCC as well as substantive technical knowledge which Mr. Hall brought to the table and it would be irresponsible to get someone else who would have to learn it all over again; that he

thought at some point they would need to revisit, but he supported this item. Council Member Robinson stated that all agreed Mr. Hall was the appropriate person on the substantive basis, but he was speaking on a broader context with such type contracts. Council Member Galloway absent.

Council Member Keller stated that he would like Council to be notified 120 days before a contract expired; that several times in the last six months Council would get on the agenda the expiration of a contract and they were held at ransom; that he hoped across the board, with all departments, they would come with some type of formality with a certain number of days notification. Council Member Galloway absent.

A vote was called on Item 11. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Members Galloway and Boney absent. ORDINANCE 2000-798 ADOPTED.

12. ORDINANCE approving and authorizing first amendment to professional engineering services contract between the City of Houston and **BOVAY ENGINEERS, INC** for Space Planning, Project Management, and Coordination of Multiple Relocations, CIP D-9999-04 – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Members Galloway and Boney absent. ORDINANCE 2000-799 ADOPTED.

14. ORDINANCE approving and authorizing first amendment and modification agreement between the City of Houston and **THIRD WARD COMMUNITY DEVELOPMENT CORPORATION (F/K/A TSU/THIRD WARD COMMUNITY DEVELOPMENT CORPORATION)** to loan an additional \$50,000.00 (the original loan amount was \$250,000.00) to aid in the completion of Renovations to a Technical Resource and Construction Center located at 2818 and 2820 Cleburne, funded out of Community Development Block Grant (“CDBG”) Funds - **DISTRICT D – BONEY** – was presented.

Council Member Castillo stated that he supported the item and it was much needed, but it brought to mind the status of the Third Ward Multi Center as it was in the same area and that still needed to be brought back on schedule; and Mayor Brown stated that they would get an update on that; and asked that Mr. Haines get a copy to all Council Members. Council Members Galloway and Boney absent.

A vote was called on Item 14. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Members Galloway and Boney absent. ORDINANCE 2000-800 ADOPTED.

15. ORDINANCE approving and authorizing professional services contract between the City of Houston and **DELOITTE & TOUCHE L.L.P.** for a Strategic Information Technology Plan for the City of Houston Municipal Courts System; providing a maximum contract amount - \$200,000.00 General Fund – was presented, and was tagged by Council Members Tatro, Vasquez and Keller. Council Member Parker out of the city on city business. Council Member Galloway absent.

Council Member Boney stated that he would suggest on this matter the Municipal Courts staff visit with everyone because there was a tremendous amount of interest

surrounding the information and management and stream from the Courts. Council Members Galloway and Bell absent.

Council Member Robinson stated that he had received a memo from the City Attorney and whoever was to visit with him from the Municipal Courts he had questions for; that his primary concern was relating to the delinquent ticket collection; that in looking at the numbers in the letter they were talking about \$152,000,000 out there and it accumulated at \$30,000,000 a year and they were only collecting about one-third now; that he also had concerns on why they negotiated with two people at the same time, he did not know that was a normal process and he did have questions; and Mayor Brown stated that someone from Legal would contact him. Council Members Galloway and Bell absent.

Council Member Boney moved to stay in session beyond the noon recess to complete the Agenda, and was seconded by Council Member Robinson. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Members Galloway and Bell absent. MOTION 2000-1097 ADOPTED.

16. ORDINANCE appropriating \$8,563,973.00 out of Airport System Subordinate Lien Revenue Bond Fund Series 1998B (AMT), CIP A-0116, awarding construction contract to **CHAMPAGNE-WEBBER, INC., TEXAS** on low bid of \$7,785,429.99 and approving and authorizing professional services contract for engineering testing services with **TERRA MAR, INC** in the amount of \$155,710.00 for New Cargo Facilities, Taxiway and Drainage Improvements at George Bush Intercontinental Airport/Houston (IAH), Project 561 - **DISTRICT B – GALLOWAY** – was presented.

Council Member Tatro stated that he again passed out handouts to Council Members and the good news was the contract would not be enrolled in ROCIP; that F & A did an analysis which he believed yielded a proper result; and reviewed his handout and analysis; and thanked the Administration for a proper analysis of the contract. Mayor Brown, Council Members Galloway and Keller absent. Mayor Pro Tem Boney presiding.

A vote was called on Item 16. All voting aye. Nays none. Council Member Parker out of the city on city business. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-801 ADOPTED.

20. ORDINANCE amending Ordinance No. 96-40 to increase the maximum contract amount and approving and authorizing first amendment to contract for Facility Maintenance Services between the City of Houston and **JOHNSON CONTROLS WORLD SERVICES, INC** for the Houston Police Department - \$721,266.50 - General Fund - **DISTRICT F – ELLIS** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-802 ADOPTED.
22. ORDINANCE approving and authorizing second amendment to contract between the City and **AT&T COMMUNICATIONS, INC** for Long Distance Services for Various Departments - 6 Months – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Mayor Brown and Council

Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-803 ADOPTED.

23. ORDINANCE approving and authorizing first amendment to contract between the City and **MORGAN REBUILDERS COMPANY** (C38493) for Machine Shop Services for the Parks & Recreation Department and the Public Works & Engineering Department – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-804 ADOPTED.
26. ORDINANCE No. 2000-746, passed second reading August 30, 2000
ORDINANCE granting authority to **PF.NET NETWORK SERVICES CORPORATION**, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-746 ADOPTED THIRD AND FINAL READING.

The Non Consent Agenda (Items 27 and 28) were considered as follows:

MISCELLANEOUS

27. MOTION to set a date not less than seven (7) days from August 30, 2000, to receive nominations for Position 4 of the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD** for two year terms expiring March 1, 2002 – was presented and Council Member Sanchez moved to set next Wednesday to receive nominations, and seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the city on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding. MOTION 2000-1098 ADOPTED.
28. ORDINANCE approving and adopting a Service and Assessment Plan for and on behalf of the Sharpstown Public Improvement District pursuant to Chapter 372 of the Texas Local Government Code; calling a public hearing on the proposed assessment roll and assessments within the Sharpstown Public Improvement District; authorizing the provision of notice thereof; making various findings and provisions related to the subject; providing for severability - **DISTRICT F - ELLIS SUGGESTED HEARING DATE - WEDNESDAY - 9:00 A.M. - TWO WEEKS FROM DATE OF PASSAGE** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Mayor Brown absent. Mayor Pro Tem Boney presiding. ORDINANCE 2000-805 ADOPTED.

MATTERS HELD - NUMBERS 29 through 32

29. ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2000 and for each year thereafter until otherwise provided; making various findings and provisions relating to the subject; providing for severability – (This was Item 2A on Agenda of August 30, 2000, TAGGED BY COUNCIL MEMBERS TODD, TATRO, KELLER and ELLIS) – was presented.

Council Member Ellis stated that he had a motion to amend Item 29 and presented a WRITTEN MOTION as follows: "Change the proposed property tax rate for tax year 2000 from \$.665/\$100 to \$.64505/\$100 of assessed value. The Interest and Sinking Fund (I&S) rate will remain at \$.18818/\$100 of assessed value, reducing the Maintenance and Operation (M&O) rate to \$.45687/\$100 of assessed value for a total rate of \$.64505/100 of assessed value. The net effect is a 3% reduction from last year's tax rate.". Council Member Ellis continued that it was still a 2.5% increase in the tax revenue received from last year so the revenue stream would remain constant and would not affect the bond rating.

Upon questions by Council Member Castillo, Mr. Hall stated that the budget statute required local government to adopt balanced budgets which meant if the budget was based on a tax roll that would produce a certain amount of money and that money was reduced subsequent to the adoption of the budget obviously you would need a decrease somewhere in the budget to offset that decrease; that whether once you adopted a budget you could go back and readopt an amended budget he would ask Ms. Taylor to come to answer that she had sent Council a memo that it was possible to amend the budget subject to adoption but only in emergencies and it would be hard to declare this an emergency and fundamentally this would require some kind of amendment he did not think they could do. Council Member Castillo stated that it seemed possible to take steps such as they did in the last budget cycle to bring some convergence of expenditures to revenues but that was a management technique and not a budget amendment; and Mr. Hall stated that he was right they were very distinctly different, the Administration had a responsibility to try to assure that throughout the course of a budget year the expenditures never exceeded budgeted revenues and a number of ways had been employed by Administrations over the years all of which were designed essentially to reduce expenditures when there would be an expectation of a smaller revenue, but that was not a budget amendment. Council Member Castillo stated that he was anxious to hear Ms. Taylor's opinion and in the meantime would tag Council Member Ellis' amendment.

Council Member Boney stated that everyone liked to talk about reducing taxes, but there were also issues of being fiscally responsible and the time for this was when they did the budget; that if the amendment was lawful they would be reducing the budget by another \$15.3 million and he would have liked to see where they would cut that during budget discussions; that another problem was increased cost in employee health care and third was that the city's population had grown and then there was the wide variance in the sales tax revenue, for last year it was 2.8% which was the lowest since 1992 and they were not in a position to take such responsibility now; and asked Mr. Haines to find out if they took the net reduction in revenue according to the proposed amendment how much did \$15.3 million mean to the average tax payer because if he was going to give up all that money he wanted more than a Happy Meal added to his monthly budget so how much would be added to the average homeowner.

Council Member Tatro stated that it was almost comical when they started talking about the adopted budget; that they spent the entire year backing off the adopted budget from 1999 and they put together a budget based on estimates and to suggest what they passed was somehow tied to the rate and it could not be changed he found extremely comical; that in times of drought and heat the city prospered and for the last six months he asked the Administration to rely on Reliant Energy's numbers more; that regardless of what HCAD was they could adjust their rate and he found the financial IQ around the Council table substantially low at times and the side of the equation they had not looked at in his opinion was the savings, sometimes knowing your constraints made you save more, but clearly this Administration did piecemeal the budget week in/week out and they needed to look down the road on the revenues and savings and he felt it was time the taxpayers did have relief.

Council Member Bell stated that he agreed it would come up now or in a couple of weeks and he found the partial opinion rendered by Mr. Hall confusing that it would be unlawful to do anything except what was on the Agenda, it made little if any sense and he would like to see the amendment by Council Member Ellis get an up or down vote and not be defeated on what seemed to be a lightly researched legal opinion; that most did campaign on being fiscally responsible but then after getting to City Hall they heard about city services and bond ratings, but what was interesting was that in the last few years the districts who pointed out they needed more services did not seem to benefit from the prosperous times of more revenue so revenue could not just be blamed; that he saw no way the city could cut back and become more fiscally responsible until they were forced to do so and he thought it was a responsible proposal and something the public would welcome.

Council Member Robinson stated that this was not political, it was good public policy and he was not on the ballot this year and not campaigning for a tax cut; that for him he tried to have a serious discussion at the Council table on the budget as a whole and he had given serious thought to the budget and if what they voted for when adopting the budget was the rate then there would be no need for this vote and if it were required by law the information in the budget was not binding on them and they could not say because they voted for the budget you could not vote for this or reduce it, it would be inconsistent logic and inconsistent with the law; that second pure logic, they went through the last budget year and he was never called on to vote to declare any kind of emergency, not that he knew of, and if they were coming down on expenditure and revenue estimates then as a matter of presentation when they saw the CAFR they ought to see the numbers adopted as to revenue and expenditure and separate columns to what was the reality of what was backed down to and then analysis done on both because Council never declared an emergency to back off the numbers, if following the logic that was being advanced here once the budget was adopted those numbers could not change nor could anything internal change, following the logic of that argument once Council adopted any ordinance that Council nor any Council could ever come back and change it and that would be inconsistent with the 90 day requirement so they should get off that argument; that he advanced the notion time and time again that if they were not going to give a property tax cut why would they not do a tax payer dividend program so that if at year's end there was a surplus they could give some back to the taxpayer; that if this was a bad time to bring it up, and he did not think it was, when would be the right time. Council Member Bell absent.

Council Member Todd stated that he agreed Council Member Robinson had promoted his position on taxes but would point out regarding procedural issues Mr. Hall raised that this was his fifth year on Council and he believed there was an attempt each year to rollback the tax rate and each year the Administration argued on substantive grounds why it was not a good idea and this was the first year he could remember a procedural reason being used to try and defeat it and it was a technicality at best; that he would appreciate from Mr. Hall a copy of the legal backup on this and he thought Council Member Robinson raised an interesting point that perhaps the truth and taxation laws may override the argument being made and wanted to know who did the research, what the backup was, was it in a case law, a Texas case law, etc., and would like that information provided at another time.

Council Member Keller stated that traffic fines were being checked and the city could receive money from that; the sign ordinance violations were deplorable and fines should be increased; illegal dumping was a health hazard and fines were 1,000% to low, tow truck drivers were driving with over 100 tickets and that was a revenue from \$900,000 to \$1.3 million; that his favorite way would be to streamline, to save money on bonded capital projects which they had and were not affected by this, why could that not be transferred to the general fund; and Mr. Hall stated that the general fund could benefit directly from that in the scenario outlined if in fact there were efficiencies there were two options because money was saved, they could choose to not do as many projects as earlier decided to do and spend less money or in the alternative do more projects with the money saved; that by doing less they reduced the debt service requirements from the general fund so they would not be paying back as much money as initially intended, but there was no way based on the bond covenants to directly transfer the savings into the general fund; that a promise was made to the people who lent the money that would not be done. Council Member Todd absent.

Council Member Ellis stated that it seemed the majority wanted a tax cut; and he would ask Mr. Hall to be sure he received a copy of the legal opinions and hopefully by the end of the week; and Mr. Hall stated that the opinion was issued before, but the whole system needed to be understood and two things were discussed with one being the actual property tax levy and the other was the timing of the budget process; that the budget schedule was changed by Council from the calendar year to the fiscal year cycle so the actual state ad valorem tax levy was not something adjusted to fit the change in the budget and that was why they had the potential dichotomy, in other words one was not a consequence of the other they just changed it; that during budget considerations the Mayor was asked to lower revenue estimates and that was done because Council wanted to assure the revenue.... Council Member Ellis stated that he was just looking for legal opinions and he was going through the budget process; and Mr. Hall stated that this related to the budget, it was a legal opinion exactly about the budget process. Mayor Brown stated that if there was something in writing it should be submitted to all Council Members.

Council Member Ellis moved to postpone Item 29 one week, and was seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on city business. MOTION 2000-1099 ADOPTED.

Council Member Boney stated that he wanted to speak to Council Member Tatro and wanted to believe he was not referring to members at this table when speaking of a low financial IQ; that he understood the budget and finances and could articulate them and intended to do so and to Council Member Robinson this was political because when you talked about the distribution of power and money you talked about politics and that was talked about today; that he hoped Council Member Ellis' issue could be on the table and its merits argued, but he remembered when Susan Taylor brought up the issue of changing something after the budget was passed, but wanted to bring up some other things and that was that police and fire salaries were raised higher than in the history of the City of Houston, \$15,000,000, and it was agreed to transfer money back to METRO and that was \$30,000,000 out of the general revenue fund; that the debt service went up \$10,000,000 and that was a total of \$55,000,000 additional dollars less available in revenue which happened in the three and a half years of this Administration; that health care cost for employees was going up and another \$10,000,000 would be transferred to METRO next year; that the city was in a tremendous state in terms of growth and progress and he did not want that messed up; and Council had agreed they would like to pay down the debt service and if they had \$15,000,000 to squeeze out of the budget he would favor paying down the debt service and that would be a more positive value to the taxpayer than undercutting revenue they did not even know would be coming in; and the city had not raised the tax rate since 1995 and he would not allow Mr. Hotze to misstate the facts and if he was so concerned then he should go to the Commissioners Court and the Appraisal District and ask them to lower taxes and that would be fair and honest. Council Member Keller absent.

Council Member Sanchez stated that in listening to Council Member Boney's comments he did not want anything to slide that was not factual, but he would remind him that the police pay increase also came with a commensurate increase in the telephone bill the ratepayers paid so that was not an additional burden on the budget; that the difficulty was he went over the Mayor Pro Tem's budget in 1999 and 2000 experienced a 16% increase and that did not tell the public they were doing what they could to run an efficient government; and Council Member Ellis may back off his amendment if Council Member Boney would say when the appropriate time would be to sit down and discuss a tax rollback. Council Member Boney stated that the 16% increase he reported was because of truth in budgeting and expenses being transferred to the office, it was no revenue increase to the budget, it was an accounting procedure and that was the fact of the analogy; and the person to talk to about sitting down regarding a tax rollback was the Mayor.

Council Member Robinson stated that he had questions for Mr. Hall: 1) was the only property tax rate that a Council could adopt was the one adopted as a part of the budget if the budget adoption occurred prior to the date under state law that they had to adopt the tax rate, in other words if they adopted a budget before you had to officially adopt the tax rate under state law was the only rate allowed to vote on the rate that was in the budget they adopted; 2) were changes in the actual revenue in comparison to budgeted, whether it be higher or lower than what was budgeted, was that a change in the budget; 3) regarding expenditures, if your expenditures increased or decreased distinctly different from the adopted budget was that a change in the budget; 4) what was an emergency under the state budget statute or wherever the appropriate place was, who declared an emergency and what was the vote required if it was a majority whether it be a simple majority or a super majority; that he was asking because they were a home rule city and

as he understood it the City Charter controlled and that was why he was having questions and if they were obligated only to vote on the rate adopted in the budget he would like to change the budget year to bring it into compliance with the state budget statute so they did not vote on a rate in the budget prior to having a vote on the rate under state law and would want the ordinance written in such a manner so if the dates were changed the city year would change. Mayor Brown absent. Mayor Pro Tem Boney presiding.

Council Member Vasquez stated that a point of order was the item was delayed and he would suggest going back to the Agenda.

Council Member Todd stated that he would urge going on with the Agenda also; and Mayor Brown stated that he was the last on the list.

30. MOTION by Council Member Boney/Seconded by Council Member Castillo to adopt recommendation from Finance & Administration Department to award to **PATHLORE CUPERTINO, INC** for On-Site Software Training for the Department of Public Works & Engineering - \$34,500.00 - Enterprise Fund - **(This was Item 13 on Agenda of August 30, 2000, TAGGED BY COUNCIL MEMBER PARKER)** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. MOTION 2000-1100 ADOPTED.
31. ORDINANCE altering and establishing maximum prima facie speed limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring certain conduct to be unlawful and providing a penalty – **(This was Item 20 on Agenda of August 30, 2000, TAGGED BY COUNCIL MEMBERS TATRO and KELLER)** – was presented. Council Member Robinson voting no. Balance voting aye. Council Member Parker out of the city on city business. ORDINANCE 2000-806 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE-DEPARTMENT OF FAMILY AND COMMUNITY MEDICINE** for Professional Psychological Services for the Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$471,618.00 - General Fund – **(This was Item 24 on Agenda of August 30, 2000, TAGGED BY COUNCIL MEMBER PARKER)** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. ORDINANCE 2000-807 ADOPTED.

Item received during the meeting was considered as follows:

13. ORDINANCE approving and authorizing contracts between the City and **ENVIRONMENT CANADA, BP AMOCO, CERYX INCORPORATED, CLEANAIR SYSTEMS, INC, ENGELHARD CORPORATION, JOHNSON MATTHEY, INC, THE LUBRIZOL CORPORATION, SIEMENS WESTINGHOUSE POWER CORPORATION,** and **WANGTEC, INC** for Diesel Emissions Technology Field Demonstration Project - \$672,000.00 - Grant and CNG Vehicle Replacement Funds – was presented, and was tagged by Council Members Keller and Bell. Council Member Parker out of the city on city business.

Council Member Castillo stated that he had an amendment to Item 13; and the tag was released to allow Council Member Castillo to offer an amendment.

Council Member Castillo moved to amend Item 13 by deleting the Engelhard Corporation contract in the amount of \$40,000 and the Siemens Westinghouse Power Corporation contract in the amount of \$100,000 for a total reduction of \$140,000.00, and was seconded by Council Member Boney.

Council Member Bell stated that he would tag Item 13 and the amendment. Council Member Parker out of the city on city business.

Council Member Keller stated that he would tag Item 13 only. Council Member Parker out of the city on city business.

Council Member Sanchez stated that he would move a friendly amendment to include Environment Canada to be excluded from the contract as well in Item 13.

Mayor Brown stated that was not considered appropriate and asked what his rationale was in doing that; and Council Member Sanchez stated that information was received that there were statistical errors. Mayor Brown stated that it was already tagged and information would be provided for him; and Council Member Sanchez stated that he would remove his friendly amendment.

Council Member Todd stated that he would release his tag on Item 1.

1. RECOMMENDATION from Director Department of Health & Human Services for approval of additional funding for contract with **JOHNSON CONTROLS, INC** for Energy Management Services - \$55,000.00 - General Fund – was presented, moved by Council Member Castillo, and seconded by Council Member Vasquez was again presented, and was tagged by Council Member Castillo. Council Member Parker out of the city on city business.

Council Member Castillo moved to recall Item 9, and was seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the city on city business. MOTION 2000-1101 ADOPTED.

Mayor Brown invited members of the Sports Authority to come forward and be responsive to any questions Council Members may have.

Council Member Tatro stated that his questions were for the city; that in the briefing with Mr. Lewis which was really all that they had on the analysis basis from the Administration and he got the legal gist of it but if they did not see an Administrative or financial overview to see what a cap may be or see what their estimates of cost were, it was not presented to Council; and he was interested in the current estimates for the land, the land preparation, the fire station relocation and the offsite infrastructure work, what was that and the cost, but it was not necessary it be answered now; that in the proposal they saw the city's obligation to fund the cost not exceeding \$20,000,000 unless authorized by Council and that was all they had and before Council acted on it he felt they should know what it was to cost them; and he would like the Administration to lay out

what the appraisals were, the preparation, the fire station and infrastructure work for Council and the taxpayers; and he would like to know if this passed today would the city be putting any at risk capital down before the election; and Mr. Lewis stated that with the assumption that Council did approve the interlocal agreement the recommendation to the Administration would be to allow them to begin immediately the process of entering into contracts to acquire property, their goal on entering the contracts would be to put up a small amount of option money to hold the contract through the date of the election or keep the earnest money small to have a minimal amount of risk but it was advantageous to tie up the property should Council approve the agreement. Council Member Castillo absent.

Council Member Todd stated that they had a question on the no compete issue previously and he was curious as he saw no changes; and upon questions, Mr. Lewis stated that changes were reflected in the interlocal agreement, the letter agreement attached was as it was passed by the Sports Authority and signed by the Rockets, however, the interlocal did contain changes to the non-compete language which included the non-compete to 10 years to a distance of 10 miles from the new arena with exception to the Astrodome area; that the Compaq non-compete was separate and apart from the other non-compete, it was a separate non-compete provision; that exclusions were added to allow religious activities, kindergarten through 12th grade athletic events and Pan Am and Olympic games. Council Member Todd stated that essentially they could not use the Compaq Center for the purpose of which it was built; and Mr. Lewis stated that it was a judgement, but essentially he would say that was correct. Council Members Galloway, Boney, Castillo and Sanchez absent.

Council Member Keller moved to suspend the rules to hear from Mr. Burge on Item 9, and was seconded by Council Member Quan. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Members Galloway, Castillo and Sanchez absent. MOTION 2000-1102 ADOPTED.

Upon questions by Council Member Keller, Mr. Burge stated that questions heard today were legitimate questions and he thought since they were heard they had tried to work with several Council Members and their Aides relative to the issues, but they did not materially affect the deal itself and they hoped to work through the differences and try and have their issues answered so all would understand the spirit of the deal and what they would get for the votes; that there was no exposure obligations to the city and both primarily land owners said they were not interested in getting a bunch of earnest money if the proposition did not go through. Council Members Vasquez and Sanchez absent.

Council Member Boney stated that he had to leave but would add his tag to Item 9. Council Member Todd stated that he would also add his tag to Item 9. Council Members Tatro and Galloway added their tag to Item 9 also.

Council Member Castillo released his tag of Item 1.

1. RECOMMENDATION from Director Department of Health & Human Services for approval of additional funding for contract with **JOHNSON CONTROLS, INC** for Energy Management Services - \$55,000.00 - General Fund – was presented, moved by Council Member Castillo, and seconded by Council Member Vasquez was again presented. All voting aye. Nays none. Council Member Parker out of

the city on city business. Council Members Boney, Todd and Vasquez absent.
MOTION 2000-1103 ADOPTED.

Upon questions by Council Member Quan, Mr. Tollett stated that if the Compaq Center were sold proceeds would go to the City of Houston and his understanding was there was no debt and the money would go back to the general fund, the value was approximately \$10,000,000. Upon further questions by Council Member Quan, Mr. Lewis stated that whoever bought the center would also be subject to the non-compete clause. Council Members Galloway, Boney, Todd and Vasquez absent.

Upon questions by Council Member Tatro, Mr. Tollett stated that the space being offered was a viewing area for entertaining it was a tradeoff for the land and it was to entertain people who came into the city; that if seats were sold out and someone came into the city and wanted to see something and you were trying to win the National Association of Homebuilders Convention or Super Bowl or whatever and you did not already have an allocation then you would not be able to do it; that the Convention and Entertainment Department would assume responsibility of the Compaq Center improvements if it were never leased, etc., as it was with the Sam Houston Coliseum. Council Members Galloway, Boney, Todd and Vasquez absent.

Upon questions by Council Member Robinson, Mr. Lewis stated that the Compaq Center would not be permitted to be used for events whether they owned it or not and the only way to enforce not permitting someone to use it in violation of the clause would be to deed restrict if it were sold or leased; and Council Member Robinson stated that basically it would be better to sell it for dirt and run with the money to the general fund. Council Member Robinson stated that one of his thoughts was they were up to 20 charitable dates and he would like to see a committee put together of charitable organizations and Council Members and they develop a process of how you schedule those dates or a suite if available to community organizations to raise money to help underwrite their programs; that it would seem to be a waste to not take full advantage of those kind of resources available. Mr. Tollett stated that Houston was now the third largest consulate in the community and when they called and asked if dignitaries of 10 or 15 could come in there was no way to send them to a baseball game unless they were sitting in the nose bleed and there would never be a way to send them to a football game as they were not a part of that, but there was no way to send them if sold out. Mayor Brown stated that his point was well taken; that most any major city with a major league team had access for purposes to promote their city and a good example was a head of state wanted to go to a basketball game and they could not get tickets and he called on a friend who let him use his tickets, but a city should not have to do that, they should be of a nature where they could entertain visitors to the city with some degree of professionalism. Council Members Galloway, Boney, Todd and Vasquez absent.

Upon questions by Council Member Sanchez, Mr. Tollett stated that the County Commissioners since April 6, 1965, had a suite in the Astrodome where they could take 250 people. Council Members Galloway, Boney, Todd and Vasquez absent.

Mayor Brown stated that there were no additional questions; and thanked the Sports Authority representatives for coming to Council and answering questions; that those not answered would be placed in writing and sent back. Council Members Galloway, Boney, Todd and Vasquez absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sanchez stated that the Texas flag on Texas Avenue was being incorrectly flown; and Mayor Brown stated that Mr. Tollett would check into that again. Council Members Galloway, Boney, Todd, Vasquez and Castillo absent.

There being no further business before Council, the City Council adjourned at 1:26 p.m. upon MOTION by Council Member Robinson, seconded by Council Member Quan. Council Member Parker out of the city on city business. Council Members Galloway, Boney, Todd, Vasquez and Castillo absent. MOTION ADOPTED. COUNCIL ADJOURNED.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary