

City Council Chamber, City Hall, Tuesday, July 30, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 30, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D. and Michael Berry; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Carroll Robinson out of the city on personal business.

At 2:05 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Edwards led everyone in the prayer and pledge of allegiance. Council Members Goldberg, Vasquez, Parker, Alvarado and Quan absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Robinson out of the city on personal business. Council Members Goldberg, Vasquez, Alvarado, Parker, Quan and Berry absent.

Council Members Tatro and Keller moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Members Goldberg, Vasquez, Alvarado, Parker, Quan and Berry absent.

Mayor Brown stated that they had several Council presentations with the first being Council Member Wiseman. Council Members Goldberg, Vasquez, Parker, Quan, Sekula-Gibbs and Berry absent.

Council Member Wiseman invited Ms. Louise Sanford to the podium and stated that the proclamation was originally to have been presented on July 16, 2002, but due to circumstances they had to change it to today, that Ms. Sanford was a constituent in District E who was a model example of an individual who took the initiative to try to bring about change for the better for her community without any outside requests or prodding, purely through her own strong efforts and determination to make her community a better place to live, that she had nominated Ms. Sanford for the Keep Houston Beautiful Award, which will be presented in October 2002, that Ms. Sanford was a wonderful asset to District E and given all that she had done in the way of improving the community she wanted to present a proclamation to Ms. Sanford and read the proclamation that stated that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed, Tuesday, July 16, 2002, as Louise Sanford Day in Houston, Texas. Council Members Goldberg, Vasquez, Parker, Sekula-Gibbs and Berry absent.

Ms. Sanford stated that she wanted to thank the Mayor and Council Members for the proclamation. Council Members Goldberg, Vasquez, Parker, Sekula-Gibbs and Berry absent.

Mayor Brown stated that the next presentation would be by Council Member Sekula-Gibbs. Council Members Goldberg, Vasquez, Parker, Sekula-Gibbs and Berry absent.

Council Member Sekula-Gibbs stated that coming up was National and World Breast Feeding Week and stated that the week of August 1 through 7, 2002 was National and World Breast Feeding Week and that there would be a World Breast Feeding Day on August 1, 2002 at the Houston Garden Center at Hermann Park from 10:00 a.m. to 12:00 p.m. and encouraged people who were interested to participate and invited the folks who were supporting Breast Feeding Awareness Week to the podium, Dr. Judy Hopkinson, Dr. Margaret Conicol, Ms. Vera Pedaway and Ms. Miranda Dansy and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed the week of August 1 through 7, 2002 as Breast Feeding Awareness Week in Houston, Texas. Council Members Vasquez and Parker absent.

Dr. Hopkinson stated that she wanted to thank the Mayor and Council Members for the proclamation and stated that it was very important for them to show their support for women who were trying to breastfeed. Council Members Vasquez and Parker absent.

Council Member Galloway invited Mr. Johnny De La Rosa, Mr. Tristan Davis and Mr. Dale Avion to the podium and stated that they were not present at the time but were the three people who, when the young lady was run over by the 18 wheeler downtown, the pedestrian, they apprehended the driver and wanted to recognize them for their heroic actions, that it happened in her district and wanted everyone in the community to know that they did recognize people who went beyond the call of duty to assist in areas that really needed to be noticed in their community. Council Members Vasquez and Parker absent.

Mayor Brown stated that in their absence they extended their appreciation for being good citizens. Council Members Vasquez and Parker.

Mayor Brown recognized Council Member Tatro for a moment of personal privilege. Council Members Vasquez and Parker absent.

Council Member Tatro stated that as a moment of personal privilege he wanted to recognize a couple of Boy Scouts from District A who had joined them today, that Mr. Nathan and Garret Paragoy were present working on their citizenship and the community merit badges and asked that they stand and be recognized. Council Member Vasquez and Parker absent.

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

Council Member Tatro moved to suspend the rules to hear Mr. Leon Davis after Mr. John Michael Gonzales, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Members Vasquez and Parker out. MOTION 2002-0866 ADOPTED.

Ms. Doris Cleveland, 8410 West Bartell, No. 103, Houston, Texas 77054 (713-394-4254) appeared and stated that she was present to ask the Mayor and Members of City Council to approve the resolution for reparation. Council Members Vasquez, Parker and Sekula-Gibbs absent.

Mr. Howard Jefferson, 2002 Wheeler, Houston, Texas 77002 (713-526-3389) appeared and stated that he wanted to thank Mr. Kofi Taharka for assembling the group and the rest of the people present, that before he came down he called the National NAACP office and asked what their position on the resolution was and they said that he request that the City Council support House Bill 40, that House Bill 40 was the resolution that would create a commission to study reparation, when it happened, the slavery and the evil that came after it and what effect it was having on them now. Council Member Parker absent.

Mayor Brown stated that he wanted to remind the audience that the rules of Council were such that there were no demonstrations for the speakers, pro or against, and stated that they wanted to congratulate Mr. Jefferson on a very successful national conference in their City, that it went very well and they were very pleased to host the National Conference of the NAACP. Council Member Parker absent.

Pastor Earnest Charles, 9222 Dandy, Houston, Texas 77016 (713-631-7927) appeared and stated that he was pastor of the Saint Savior Church and was present to ask the Mayor and City Council to do whatever they could to help pass the resolution on reparation and continued to voice his personal experiences as a share cropper and opinions in support of the resolution on reparation until his time expired. Council Member Parker absent.

Mr. Tony Wiese, P. O. Box 218710, Houston, Texas 77218 (281-496-4740) appeared and stated that he and his brother owned a number of buildings downtown, including three on Main Street and they definitely did not want Main Street closed as the Main Street Square Project, that with the Light Rail Project they were assured that Main Street would stay open and they requested that it did, that from an urban planning perspective Main Street needed to stay open to provide an actual as well as a perceived continuous flow of traffic, that there should be no boundaries to movement along Main Street, that they had a number of people talk to them about their different properties, that they owned 110 Main, 114 Main and 812 Main and had a number of people talk to them about restaurants and were very interested in having valet parking in the evening and closing Main Street at the 1000 block would not be a good thing for them. Council Member Parker absent.

Mr. Phillip Scheidau, 4265 San Felipe, Ste. 750, Houston, Texas 77027 (713-621-3222) appeared and stated that he represented the owners of McKinney Place Garage at the corner of McKinney and Main, that he was present to ask City Council to vote in favor of the Main Street Square Development, that he realized it was not an easy issue and was a somewhat unconventional and nontraditional approach which was not something that normally politicians like to hear about, that he thought that as to the ongoing revitalization of downtown Houston this was something that was creative and vital to what would be a positive thing to downtown Houston and continued to voice his opinions in favor of the Main Street Square Development until his time expired. Council Member Parker absent.

Council Member Alvarado moved to suspend the rules to hear Mr. Bob Eury, Mr. Guy Hagstette, Mr. John Michael Gonzales, Mr. John Rentz and Mr. Bill Merchant, who were all speaking on the same subject, out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Parker absent. MOTION 2002-0867 ADOPTED.

Mr. Michael Bell, 3728 E. Berry, Houston, Texas 77076 (817-926-6111) appeared and voiced his personal opinions in support of the resolution for reparation until his time expired. Council Members Ellis and Parker absent.

Mayor Brown stated that he wanted to remind the audience that City Council rules prohibited demonstrations for or against what the speakers were saying and asked that they abide by the rules of the Council.

Reverend Ameal Jones, Sr. 5801 W. Montgomery Road, Houston, Texas 77091 (713-692-9954) appeared and voiced his personal opinions in support of the resolution for reparation until his time expired. Council Members Ellis and Parker absent.

Council Member Galloway stated that this was not really a Black issue, but an American issue and hoped that all of their colleagues on Council would support them in the passing of the resolution because it was long overdue and she felt that they should all come together and support one another for they knew those were trying times for a race of people such as themselves because she certainly lived through the errors of those times, that she was in support of what they were doing. Council Members Ellis and Parker absent.

Minister Quanell X, 2428 Southmore, Houston, Texas 77002 (281-472-5589) appeared and stated that he was present to ask the City Council to support the cause of reparation for Black people in the Nation, that earlier they were right when they said that breastfeeding was a great thing for the children in the Nation but some of them as Black people could not be feed by their grandmothers and great grandparents because they breastfeed others, so they ask in the Nation that they support the cause for reparation, that they were asking that they support a just and righteous demand for reparations, that reparation was a just and first step on a long journey to justice, that he did not understand how Council Member Quan could get on the radio and say that he did not support reparation and he did not see what could it would do when his Asian

brothers, the Japanese, were given reparation in the Nation, that he could not even sit on Council if it was not for the civil rights struggle of Black people in the Nation, being lynched and being burned and being hung, that they were murdered so that he would have the right to sit on Council and call himself a privileged minority, so they ask everyone on Council to support a just demand for reparation, they did not want individual checks, they wanted to take it and build an infrastructure in the Nation and they must have some of the righteous land that they could call their own, and to those of them who may have forgotten what they as Black folks had suffered in the Nation remember their mothers and fathers, men, women and children hung from some ropes in the Nation, so how could they say that they did not support reparation if it happened to his people they would support them because they were God fearing people, so do the right thing and if they ever forgot to remember this, and he displayed a rope noose and stated that it was what they hung from, from trees in the Nation, so Council Member and Mayor Pro Tem Quan, what was good for his people was absolutely good for theirs. Council Members Ellis and Parker absent.

Mr. Eric Blaylock, P. O. Box 53954, Houston, Texas 77052 (281-495-2001) appeared and stated that he wanted to split his time, that he was a recent college graduate from Prairie View A&M University and was present representing the National Coalition of Black Reparation in American, that it was an organization that had been set forth through grassroots movement in support of reparation on a National level and what they were doing today was to try to get it passed on a local level through the City Council, that to let them know that it was not something that was not feasible they protested and had a resolution passed at Prairie View, that it had been passed in Waller, Dallas, Baltimore and New York, that this was the fourth largest city in the United States and Houston should be represented somewhere in the long line of resolutions that had been passed and continued to voice his personal opinions in support of the resolution for reparation until his time expired. Council Member Parker absent.

Council Member Edwards stated that the question and issue had been put forward that reparations were divisive and her response to that was that slavery was divisive, that was what divided them, not reparation, that they were looking at an opportunity to close that divide and asked that Mr. Blaylock speak on that, and Mr. Blaylock stated that in the form of reparation they were not saying that it was the total solution that was going to solve all of their problems.

Council Member Edwards moved to suspend the rules to allow Mr. Blaylock's companion to use the remainder of Mr. Blaylock's speakers time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Parker absent. MOTION 2002-0868 ADOPTED.

The speaker appeared and stated that she was speaking on behalf of a student organization at the University of Houston and was present to join the millions of voices that had been raised in demanding reparations now and continued to voice her personal opinions in support of the resolution for reparation until her time expired. Council Member Parker absent.

Ms. Madonna Dishmon, 2635 Villa Del, Sugarland, Texas 77478 (281-313-2082) had reserved time to speak, but was not present when her name was called. Council Member Parker absent.

Mr. Kofi Taharka, 2428 Southmore, Houston, Texas 77004 (713-523-9172) appeared and stated that there were so many groups representing Houston and from in town and out of town, the full spectrum, that what he would say to those Council Members who had been ducking them and dodging them, they could not duck and dodge them, that they did not return their phone calls, that Council Member Berry put Sylvester Turner's picture out but would not return their phone calls, that he was coming to the Black community for votes and by the way he voted and if they did not think that all of the groups present voted, they should not be mistaken and to stop ducking and dodging them on the issue, that he had been asked by the groups to say that there was a difference between the resolution that they set forth and the resolution that had been sent

back to them and was before the Council Members, that someone had said that the language was too inflammatory, that they were saying that the pain and suffering of their people was more inflammatory than any words that they could say, and stated that he would like to yield the rest of his time to one of the distinguished scholars in the world on the issue of reparation, the elder, teacher, scholar and revolutionary, Dr. Imari Obadele.

Council Member Edwards moved to suspend the rules to hear Dr. Imari Obadele, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Members Tatro and Parker absent. MOTION 2002-0869 ADOPTED.

Dr. Obadele stated that he agreed with the previous speakers and wanted to suggest that they go even further, that he was a teacher, that he was one of those who was attacked in Mississippi 30 years ago, that he wanted to remind them to look at two major things, that the African descendants in this Country were magnificent people, they had over come obstacle after obstacle and yet this Country wanted to deny that they were owed everything, that when the younger Japanese forced the older Japanese to finally demand that there be some resource, what they did was to create a bill called the Civil Liberty Act of 1988, that Congress put the Justice Department in charge of identifying the Japanese and paying the Japanese and one of the things they said was that the Japanese needed to be paid for what was taken from their homes in California and being incarcerated, that African people were taken from their homes in Africa and continued to voice his personal and historical opinions in support of the resolution for reparation until his time expired. Council Member Parker absent.

Council Member Edwards asked if there had ever been a study on the affect of the enslavement of African people, not only to the immediate groups involved but also to their descendants, and Dr. Obadele stated that not to his knowledge had there been what was referred to as an official study, however there had been loads of books written and some of them presented to the United Nations so there was plenty of information and the Black psychologists in this Country did studies all the time on the stress and the impact on Black families, and Council Member Edwards asked Dr. Obadele if with the passage or the enforcement of HB40 what would be his expectations of that type of process, and Dr. Obadele stated that they wanted an official study sort of what they did on the Japanese, but there was something else that had happened in the meantime, that some of them in Houston had read about their suit, underneath the Japanese Act, that was thrown out, but what it did was to open the door for them to put on the record a comparison between the things that had happened to the Japanese. Council Member Parker absent.

Mr. Omowale, 2428 Southmore, Houston, Texas 77004 (713-942-0365) appeared and stated that he would like to yield the remainder of his time, after he spoke, to Dr. Obadele, and stated that this City itself had complicity in the slave trade and the commission of atrocities of the African People, that for example, Mayor Francis Moore, three time Mayor of Houston, was former owner of the Galveston News and wrote in his newspaper that they needed bodies, they needed African slaves, and rather than go to the continent of Africa and retrieve those people, let us go to the east coast of the United States and snatch up the freed people and make them slaves and bring them back to Houston, Texas, that the railroad from Houston to Galveston, partially owned by the City of Houston, was built by the enslaved ancestors of himself and the other people present, there were other complicity's of the City of Houston from the area of government and politics to private enterprise to the religious arena where all of these parties were complicit or benefactors of the slave trade, the slave commerce in Houston, Texas, the record was there, it was not his record, it was their record and many of the people whose faces were on the walls were former slave holders or slave traders, many of the streets that they pass through in the City downtown, they were talking about Travis, Fannin and Dowling, those people were major slave traders and slave holders, and they ask their children to go to some of the schools and be taught in those schools and to glorify those schools as being people of honor, and stated that he yielded the rest of his time to Dr. Obadele.

Council Member Galloway moved to suspend the rules to allow Mr. Omowale to yield the balance of this speaking time to Dr. Obadele, seconded by Council Member Edwards. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Member Parker absent. MOTION 2002-0870 ADOPTED.

Dr. Obadele continued to voice his personal opinions regarding the enslavement of African people until his time expired. Council Member Parker absent.

Dr. Motapa, 6425 Woodard, Houston, Texas 77021 (713-645-9598) appeared and shouted during his speaking time and stated that he wanted to yield the balance of his time to Mr. Taharka. Council Member Robinson out of the city on personal business. Council Members Tatro and Parker absent. MOTION 2002-0871 ADOPTED.

Council Member Edwards moved to suspend the rules to allow Dr. Motapa to yield the balance of this speaking time to Mr. Taharka, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Members Parker and Sekula-Gibbs absent. MOTION 2002-0871 ADOPTED.

Mr. Taharka stated that by ducking and dodging the people who set the resolution before them was the ultimate slap in the face of disrespect and respect was a mutual thing, it was a two way street, if they wanted to get something then at least have the common courtesy to sit down with the people who set it forth, that was what they were saying, that he wanted also to let them know that James Rogers, the National Co-Chair for Blacks for Reparation in American was present and was standing with them, that they had many of their elders, Mama Delaney, who told them the stories and lived the history before them, that everyone from the young to the old, from the Christian to the Muslim, from the nationalist to the Democrat to whatever their political persuasion was, they were standing in a united front demanding reparations. Council Members Parker and Sekula-Gibbs absent.

Council Member Edwards asked Mr. Taharka if he knew the position of Congresswoman Shiela Jackson Lee view on this and Mr. Taharka stated that she had a representative present who would speak before Council on her position, and Mayor Brown stated that she had sent a letter supporting the resolution. Council Members Parker and Sekula-Gibbs absent.

Minister Khallid Greene, 2500 Binz, Houston, Texas 77004 (713-521-1990) appeared and stated that he was a minister of Saint Savior, Nation of Israel, located on the northeast side of Houston and voiced his personal opinions regarding enslavement of the African people and in support of the resolution for reparation. Council Members Goldberg, Wiseman, Parker and Sekula-Gibbs absent.

Mr. Thomas Muhammad, 305 Willow Creek Dr., Glenn Heights, Texas (972-217-1950) appeared and voiced his personal opinions regarding the enslavement of African people and in support of the resolution on reparation until his time expired. Council Members Goldberg, Parker and Sekula-Gibbs absent.

Council Member Edwards stated that there were those who say that nobody was alive today who committed the crimes or who were victims of the crimes and her concern was the issue that a lot of industries that were large industries in the Country today were built on slavery, for instance the insurance companies, most of those companies were built on the slave trade and asked Mr. Muhammad if he had any information on that, and Mr. Muhammad stated that in terms of economics the industry that came as a result of poor African people was tremendous, that everybody in the Nation had benefited from it, that it was 180 years free, that this was an unsolved chapter that America must resolve, that it was important for them to understand that there were a number of prominent individuals in the African American community who were very supportive of the resolution. Council Members Goldberg, Parker and Sekula-Gibbs absent.

Ms. Elaine Oliver, 1919 Smith No. 1180, Houston, Texas 77002 (713-655-0050) appeared and stated that she was present to represent Congresswoman Shiela Jackson Lee who could not be present today, and read a letter from the Congresswoman in support of the resolution for reparation and urged the City Council to pass the resolution, and Mayor Brown stated that he wanted her to express their appreciation to the Congresswoman for her letter. Council Members Galloway, Goldberg, Parker Sekula-Gibbs and Berry absent.

Ms. Veronica Kelly-Young, 3606 Zeyphr, Houston, Texas 77021 (713-747-3358) appeared and voiced her personal opinions in support of the resolution on reparation and requested that she be allowed to yield the balance of her time to Mr. Deloyd Parker. Council Members Galloway, Goldberg, Parker and Sekula-Gibbs absent.

Council Member Edwards moved to suspend the rules to allow Ms. Kelly-Young to yield the balance of her speaking time to Mr. Deloyd Parker, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Members Galloway, Goldberg, Parker and Sekula-Gibbs absent. MOTION 2002-0872 ADOPTED.

Mr. Deloyd Parker appeared and voiced his personal opinions in support of the resolution on reparation until his time expired. Council Members Galloway, Goldberg, Parker and Sekula-Gibbs absent.

Minister Robert Muhammad, 4443 Old Spanish Trail, Houston, Texas 77021 (713-741-2747) appeared and stated that on behalf of the honorable Minister Louis Farakam he was present in strong support of the resolution that was before them and also present in strong support of the August 17, 2002 rally, Millions for Reparations, that would take place in Washington, D. C., that the constitution of the United States said in the Bill of Rights that Congress should make no law respecting the establishment of religion, of prohibiting the free exercise thereof, or bridging the freedom of speech or the press or the right of the people to peacefully assemble to petition the government for the redress of grievances, that reparations was to redress grievances that had yet to be resolved, that by the look on their faces they had been beat to death by the resolution and he really felt bad, but they had to listen because they had suffered greatly in the Nation and it was time now that they had a deliberative and constructive discussion on reparations, they must have the discussion because it was the only way they could move forward, they could not call for democracy and freedom and try to go into Iraq and Iran and all those places and overthrow those governments and try to build governments over there when they had not resolved America's original sin, which was slavery, that justice was a principle of fair dealing and they had never dealt fairly with Black people, that Welfare was not reparations, that he wanted to make it clear, in fact when Welfare was passed there had to be a bureaucracy created so Xerox had to sell their copiers, the typewriters got money, the bureaucrats got the money and Welfare was top heavy with administration and few in benefits, particularly for Black people, that the Civil War or the war of independence with many of their conservative members of Council had an ear for Mr. John Mathews and others who said that the Civil War was reparations, that the Civil War was trying to settle the constitutional convention where the States wanted their freedom from a strong central government, that was what it was about it had nothing to do with them, they just happened to be pawns in the game, that civil rights was not reparation, because civil rights could be taken away, the same way they amended the Constitution to prohibit the sale of liquor they un-amended the constitution to allow it to be sold and distributed and the same way they could reverse the 13th and 14th amendment of the Constitution, all it took was a majority of the vote, that Affirmative Action was not reparation, in fact their electing Black faces to high places was not reparation. Council Members Galloway, Goldberg, Parker, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards, Minister Muhammad stated that he had traveled to Africa and just as he would expect a Jewish person would go to places where the

Holocaust took place he toured the Gambia River, that he was in the village where Kunta Kinte was stolen and where they traced their roots, that he also visited Cape Coast Dungeon and El Mina Dungeon where their people were held before they were shipped out, that he walked out of the door of no return and told their ancestors that they had returned and he promised and swore on the shores of Africa that he would come back to America and fight for justice. Council Members Galloway, Goldberg, Parker, Sekula-Gibbs and Berry absent.

Council Member Vasquez asked Minister Muhammad what did the resolution do and what was it attempting to accomplish, and Minister Muhammad stated that the resolution itself states that the City of Houston supports a dialog on reparation, it does not say that Council Member Tatro or Keller or Ellis or Berry or anyone, supports reparation, though that was what they were asking, that it was just like City Council passing a resolution making tomorrow Robert Muhammad Day, that by recognizing the suffering of Africans in America they already opened the door for others. Council Members Galloway, Goldberg, Parker, Sekula-Gibbs and Berry absent.

Ms. Jessica Valentine, 2414 Southmore Blvd., No. 3, Houston, Texas 77004 (713-522-4104) appeared and stated that she noticed that generally the television was on at the beginning of the Council meeting and it just came on 5 minutes ago and her question was whether the whole City Council meeting was televised from the beginning, and Mayor Brown stated that yes, that the monitors inside went off but the recording was going all the time, and Ms. Valentine stated that she wanted to yield the balance of her time to Mr. Taharka. Council Members Galloway, Goldberg, Parker and Sekula-Gibbs absent.

Council Member Tatro moved to suspend the rules to allow Ms. Valentine to yield the balance of her speaking time to Mr. Taharka, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson out of the city on personal business. Council Members Galloway, Goldberg, Parker and Sekula-Gibbs absent. MOTION 2002-0873 ADOPTED.

Mr. Taharka stated that their whole reason for being present was that they were on their way to Washington on August 17, 2002 and they wanted to take something with them, they wanted to give a report card to the rest of the Country on Houston and if they could not get a resolution it would be a sad commentary on a city that was positioning itself as a diverse international city and they would be back tomorrow, and Mayor Brown asked Mr. Taharka to tell them the number of cities that had already passed a similar resolution, and Mr. Taharka stated that from New York to California, that New York City passed the historic Queen Mother Moore Reparations Resolution on Juneteenth, that Chicago, Atlanta, Dallas, Dallas County, different cities in California and Baltimore, that there were a number of cities that had passed a resolution, and Mayor Brown stated that the resolution was not asking this City Council to be trailblazers and Mr. Taharka stated that was right that they were not being trailblazers, in fact they were catching up with other international cities. Council Members Galloway, Goldberg, Parker and Sekula-Gibbs absent.

Father Michael Barrett, 905 Main, Houston, Texas 77002 (713-650-8715) appeared and stated that he was present on behalf of the right of entry for Main Street Square, that he was the director of the Holy Cross Chapel, a Catholic chapel at 905 Main Street, that the chapel had been there for the past 20 years in the same spot, that during those 20 years he thought that Main Street had appeared to be virtually abandoned, it had been a backwater for most of the years of the chapel's existence in the same spot between Walker and McKinney, that if they considered anything about Main Street as being main it was just the name, that outside of that it had been a backwater, that he thought it was very important that the status quo not be maintained and thought it was very important therefore that the establishment of the Main Street Square be carried through, notwithstanding the fact that some people were concerned he thought that closing that area to traffic would make the City of Houston and the Main Street Corridor much more vital than it had been over the past 20 years and that it was presently, that no one liked to

drive down Main Street and no one had ever liked to drive down Main Street and no one liked to walk down Main Street and the people who came to his chapel were very fearful, especially to break a leg or trip or to be accosted, especially the women, that it had been that way for years, that it was not pleasant to drive or walk on, that if Main Street Square was implemented it would become a place that would attract all kinds of people and would put the City of Houston in the major league, because he thought it had to be a world class central business square that would attract people. Mayor Brown, Council Members Galloway, Goldberg, Vasquez, Parker and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Members, Father Barrett stated that as sort of a businessman running a chapel on Main Street he thought it was going to be very positive, and the example would be that they saw how the restaurants on the north end of Main Street before the construction began were prospering because of the attraction of people coming back downtown at night after hours in order to attend Bayou City Place and the restaurants and he though the same thing would occur in that part of Main Street, that he thought they would see a big increase of people coming to the retail places in that area of Main Street if it was made pedestrian friendly, that his assessment was his own experience in that over the past two to three years since he had been director at the chapel he had attended a whole series of meetings of all the Main Street stakeholders that had been conducted by the Central Houston and by the Downtown District Management and thought a lot of people who were stakeholders on Main Street had been given many opportunities for input about how the project should go ahead, so he thought that yes, they had a consensus, they had a lot of people who owned property and were involved in those places who were backing it. Mayor Brown, Council Members Galloway, Goldberg, Vasquez, Parker and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Ms. Vicki Rivers, 909 Fannin, Ste. 650, Houston, Texas 77010 (713-650-3830) appeared and stated that she was Executive Director of Main Street Market Square, which was TIRZ Number 3 and within TIRZ Number 3 was situated the Main Street Square Project, that the Main Street Market Square Redevelopment Authority Board had gone on record approving and including Main Street Square in their budget for the enhancements on Main Street that they were currently doing, that the three blocks that made up Main Street Square were originally in their scheme of enhancement, they had set aside money to do these improvements and that money they had set aside for the improvements along Main Street they were also now channeling some of that money toward Main Street Square, that she was sure some of them would ask whether or not it would cost the TIRZ any more money and in fact it would not, over the long run it would cost them less money, that right now they were working with METRO to the tune of about \$8 million, these were things that had to be done in accordance with METRO's schedule and those three blocks were also included in the \$8 million, that the things that MSRA would have done on those three blocks were now not going to be done because of the project, that overall if MSRA were to do all of the enhancements that they had originally scheduled they would probably spend well over \$2 million, the investment that MSRA was scheduled to make towards Main Street Square was \$1.5 million, that it was the purpose of MSRA and other TIRZ's to improve the quality of life of its citizens, that her board had set that having Main Street Square in the center of the City of Houston would be a wonderful centerpiece for the City, it would allow the pedestrians to have some place to go and some place where they could tell outsiders, meet me at the square and everybody would know where that was because all maps would lead to downtown Houston, that the MSRA Board wanted her to bring the message to the City Council and to the Mayor that they were supportive of Main Street Square and that they were working along with the Central Houston Civic Improvement Organization to make it a more successful project and to improve the quality of life for the citizens of Houston and to make Houston the wonderful City that they all knew it was and to show the rest of the world that it could be. Council Members Galloway, Goldberg, Vasquez, Parker and Sekula-Gibbs absent.

Mr. John Zotos, 300 Main, Houston, Texas 77002 (713-227-1511) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Vasquez, Parker and Sekula-Gibbs absent.

Mr. Bob Eury, 2306 Peckham, Houston, Texas 77019 (713-650-1470) appeared and stated that the Main Street Square proposal was a result of a very lengthy planning process of returning Main to a very prominent role in their community, that it was the partnership of the City, METRO, Main Street Market Square Redevelopment Authority, the Downtown District, Central Houston Civic Improvement, owners, tenants and philanthropy, that the project design reflects the consensus where unanimity was not achievable, the owners in favor outnumbered those who did not by about 10 to 1 or maybe even more, that Main Street Square transforms the heart of downtown into a vital pedestrian environment and the place has the highest density of population in downtown, about 100,000 people a day in the area, some 60,000 workers and they estimate total pedestrian population about 100,000, that it is public space that is desperately needed at the heart of downtown, that they had great parks around the center but not in the middle and they thought that it added tremendously to the quality of life in the area and quality of life was an extremely important issue for their community at this point, that the square would be a signature statement for the Main Street Corridor and actually for their City and they were very comfortable with the vehicular flow on the street, that under any circumstance, square or no square, Main Street would function as a local street and every property in the design of the square had vehicular access, that it was a very serious commitment towards quality retail environment and they were finding interest at this point based on the plans, the issue they had was that the credibility had eroded on Main Street because they had about 30 year deterioration and they had a very similar situation with the Convention Hotel, which they talked about a long time and finally now they were building it and really getting real interest out there on the customer side, that they were very pleased to be able to bring the project forward at this point and were prepared and committed to build it on the schedule required by the opening of the Light Rail System in January 2004, that they think that they had a one only opportunity to recapture Main and they should take it at this point and time, that they were really looking forward to getting after it and did respectfully ask for their support of the right of entry agreement between the City and Center Houston Civic Improvement. Council Members Galloway, Goldberg, Vasquez, Parker and Sekula-Gibbs absent.

Upon questions by Council Member Vasquez, Mr. Eury stated that at this point there were no outstanding questions regarding the Main Street Square, that they obviously had a healthy debate over the experiences of cities with respect to the closing of streets or portion of streets or big long mall or whatever, that it had been a good learning experience on the part of everybody in terms of what was going on and he thought they were learning from the experiences of other communities, they were not malling the street in this project, they were really looking at creating a very signature point of destination on a street that was open for vehicles, people and light rail and they thought it would work from the models they had seen. Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Eury stated that a public hearing had not been held, and Council Member Tatro stated that he would like to see a list of the tangible benefits to the taxpayers of the City of Houston and Mr. Eury stated that they would be happy to provide that. Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Eury stated that a traffic study had been done, that it was done by Parsons Transportation Group and its impact on the traffic flow was minimal, just because Main in the future would carry a fairly low level of traffic, that their estimates were that before Main was closed for any of the work at all it was carrying about 12,000 cars per day, that the engineers estimate at this point it at about 6,000 if they did not close the block and they estimated about half of that if they were to, that the point was that it was not a huge loss in the amount of traffic that they really had there, that he wanted to make a clear point, that every single property maintains vehicular access in the plan that they were doing at this point. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Guy Hagstette, 214 Travis, Houston, Texas 77002 (713-650-3022) appeared and stated that Main Street Square was part of a much longer term strategy that Central Houston and the Downtown District had for revitalizing the heart of downtown where retail once thrived, that for the past 10 years organizations had spent millions of dollars in the area for things as basic as providing public restroom facilities and daily cleaning, improved street lighting and holiday decorations, economic development grants for key projects, improved access to transit and to the tunnel system and even on an ice skating rink to attract shoppers during the holiday season, that they had committed more resources to the area than anywhere else in downtown because healthy downtowns required healthy retail and attractive places for people, the heart of their downtown had too little of either, but with the advent of light rail for Main they looked at other cities to see if light rail could be the catalytic agent to achieve their objectives for Main Street, that they found it was going to be tremendously beneficial but with regard to retail and creation of places for people it alone was not enough, that they also recognized that the construction of light rail did represent a once in a lifetime to transform Main both physically and economically and they began a series of over two dozen meetings with stakeholders in early 2000 to refine their strategy and literally designed the street with METRO, that many issues were discussed in those meetings, but none were more thoroughly discussed than the issue of auto access and pedestrianization of Main and the Houston Chronicle even reported on the discussions several times in that year, that many in the group fervently believed that automobile access and traffic volumes were the sole ingredient for a healthy retail and in the suburbs they may agree, but in a downtown area far too many other factors diminish the strong length between traffic volumes and retail because it was an area where so many people walked, that others believed just as fervently that they needed to replicate the success of pedestrianized areas in other American cities, but were aware of the underutilized pedestrian malls found in many cities they recognized that success on this issue was only achieved where they had maintained good overall access, had compatible designs for adjacent development and where they had many people in the area who would use the space, that out of those discussion evolved their plan for Main Street, that access for automobiles was available on 18 of 19 blocks, which widened and beautiful sidewalks, by calming traffic automobiles and pedestrians would be able to coexist more safely together and then a pedestrian landmark on one block at the center of Main and at the heart of downtown that creates identity, a refuge from traffic, quality of life and a sense of place for retailers and shoppers alike, that it was located where it could build off of and tie together their major retail assets at Foley's and the Park Shops, that in light of those facts he urged the Council to support the very important economic and physical asset in the heart of Houston's downtown. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Mr. Hagstette stated that he was a property owner in downtown but not on Main Street, that their assessment was that they needed to do this to benefit retail in that area, that their most important anchor was Foleys and several blocks away but on the same cross streets, Lamar and McKinney, they had the Park Shops and then there was a scattering of smaller retail in the area, especially in the new McKinney Place Garage, that timing wise the plan was contingent on light rail, that this had been the most congested pedestrian area in downtown, that as to the traffic study, he felt having reviewed the numbers in detail that the traffic numbers were conservative and they reflected the worse condition and thought that what Mr. Eury was referring to was that probably it was going to be better than a worse case condition and even the worse case condition works. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro asked Mr. Bibler that for tomorrow, if they discussed it, he would like to know why, legally, the City took this approach to not selling the property but giving a right of entry, and Mr. Bibler stated that he would ask Mr. Lewis to visit with him, that it was their position that the street was not being closed. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Rentz, 2650 Fountainview, Houston, Texas 77057 (713-777-7368) appeared and stated that he was representing the company that owned and operated a commercial office building downtown at 723 Main Street, that it was a property that they had been involved with since approximately November 1996, that there was no one that wanted Main Street to be more successful than them, that with a building down there being rented out to tenants obviously they wanted it to be a success, however they strongly believed that Main Street could only be successful as an open street, that they had tried to work through the problems that had been presented by the building and the construction going on downtown, that it had been very difficult and their building was basically at its all time low in occupancy right now, that they tried to work with METRO and different groups and were kept somewhat informed as to what was going on and in fact they volunteered their property for one of the pull in zones on Main Street, where cars could pull in and drop people off and move on, but the business about closing off Main Street for approximately three blocks, from the 900 to 1100 block, just came out of the blue, that it was nothing that they ever had notice of before, they were never invited to any hearing or meeting where it was discussed and frankly it had taken them by surprise and really disappointed them because they felt it was going to make navigating downtown even more confusing and difficult than it was already, that if someone was trying to get to a building on Main Street they would naturally assume that they could travel on Main Street and not that they were going to have to go blocks out of their way to go around some artificial impediment, the fountain or pond or whatever it was that they were putting in, that he had seen a photograph of it and the design of it just amazed him, that he could not imagine having water fountains shooting over an electric train and the public walking around the proximity to that, that he thought at this point if they had to vote, they would vote to stop it entirely and allow Main Street to continue on unabated through those blocks, that it may not be possible at this time, but he thought at a minimum the Council should consider delaying the votes for a few weeks and give time for a public hearing to let people who were going to be directly affected by the plan to have some input, that he thought at a minimum it would be a reasonable resolution. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Mr. Rentz had mentioned it was for 3 blocks and asked Mr. Bibler if it was not just one block that they were talking about, and Mr. Bibler stated that was what the people who were working on it told him, but maybe there were different ways of counting blocks. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Mr. Rentz property was three blocks down at 700 Main Street so this would not impact him directly, and Mr. Rentz stated that the materials from the Central Houston District said it was from the 900 through the 1100 block, but in any event coming down Main Street getting to their property they were going to hit a dead end and that was going to maroon their property off of the rest of Main Street, that he felt it was going to cut them off from the flow of the street into downtown. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Rentz stated that his property was called Boxer Property, that they owned and managed the entire property at 723 Main, that they had owned it since November 1996, that they were the owner of record and it should not have been hard to get in touch with them, that they were never notified about the decision to close the street, that they did have some ongoing discussions, as he had mentioned earlier, with METRO people because they did volunteer use of space in front of their building for a pull over lane, that he felt that the perspective tenants would not be able to get to the building and their clients and employees, that they were taking away a major artery of downtown, that their main entry way was on Main Street, that they were not losing any direct access but were losing the ability for

someone to start on another part of Main Street to come all the way to their building, that he assumed they would have to go several blocks over to get back on Main Street to be able to pull up to the front of the building, that they were at 73% occupancy, that no one had come down and specifically said that the Main Street Square was going to hurt their business but they had certainly heard endless comments that the current construction and closures were hurting their business. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Bill Merchant, 96 Hollymead Dr., The Woodlands, Texas 77381 (713-405-6484) appeared and stated that he was Senior Vice President of Operations for Foleys Department Store and was present representing Foleys, that Foleys had been a member of the Downtown Business District for over 50 years and had been there through the good and bad times, that in a year when most department stores had deserted downtown they had stuck it out and were still there, that they were very pleased to finally see what they believed was the beginning of a huge revitalization for downtown, it was also very personally gratifying to be present since he chaired the Main Street Task Force with Jim Elkins back in 1995 and 1996, that it was their position that Foleys was very much in favor of the Main Street Square project as planned, they wanted Houston's business district to continue to grow and they wanted it to become a vibrant energetic place to shop and work, it was those type of amenities that the square brings that would support their vision, that over 90% of their customers walk more than one block to their store and the new Main Street Square project would help animate their streets and truly aid Houston in becoming a world class destination, that it was their hope that they would let the project continue and their hope that they would vote for it. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Merchant stated that they felt that street traffic and a vibrant downtown business district, which they thought this would help do in the City of Houston, would be good for everyone, for pedestrians and also for vehicular traffic, that they had looked at their own traffic studies and really had no problem with that particular square, that almost every time there was a meeting to be held he was personally contacted by the Downtown District and also knew that there were letters and emails sent out to Foleys every time a meeting was held, that they had felt they had every opportunity to partake and every opportunity to be there at every meeting, that they had seen a lot of people from the downtown Main Street area at those meetings and he really could not comment on the other because he did not have the factual information, but it seemed to him that there was a lot of information out there and they were contacted and a lot of other people that he spoke to were also contracted on a very regular basis anytime a regular meeting was to be held. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Michael Gonzalez, 808 Travis, Ste. 1504, Houston, Texas 77002 (713-225-5115) appeared and stated that he was the Chairman of the Midtown Management District, that he was present to speak on behalf of the new and exciting improvement for Main Street known as Main Street Square, that thanks to the laser beam focus of Central Houston and the Downtown District over the last several years and the commitment of the Mayor and City Council they were now looking at a new day for downtown and Midtown and the rest of the central City, that streets, utilities and other infrastructure literally frozen in time for almost 50 years were being replaced block by block, that rail was back on Main Street and people were moving back to the center, that downtown and Midtown's population had grown tenfold in 10 years and it was now time to put the crown jewel on Main Street, Main Street Square, that the project would be a focus for a city center in a City that desperately needed a center, a gathering place, that when people go and visit other cities like Chicago, Washington or Atlanta and come back and talk about what a great experience they had and they are asked about what made it so great, they did not talk about pedestrian friendly or transit oriented development or any of the other lingo that planners liked to go on and on about, but what they did talk about was how great it was to walk from place to

place and see so many people that were different than them and walk up to windows and sit in cafes, see a street juggler pop up out of nowhere and then sit down and just watch the day go by and not having to do all of that inside of a mall surrounded by acres of parking, that yes it included Washington D. C. in July and August, which was not much different than Houston in July and August and he saw a lot of people on their streets, that it was not just going to be good for the citizens and for the City, it was going to be great for business on Main Street, that so far many responsible property owners on Main Street and downtown had made a commitment to improving their own properties, they do it not just because it was the right thing to do for the City that they loved, but because they could see the commercial opportunity right in front of them, that they needed to encourage hesitant owners to do the same thing and if the square could help bring business and retail to Main Street then they had to do it and he wanted to especially thank Central Houston and Downtown District for the solid two years of hard work with stakeholders, every property owner and community organizations, the result was a plan that had taken into account the aspirations and dreams of a community and the concerns of owners, and because of this there was a collaborative and open process and that was why it had the overwhelming support of the stakeholders and the community, so he urged them to approve the right of entry agreement for Main Street tomorrow and be a part of making Main Street happen today. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Gonzalez stated that he had clients that did not forward to him every notice also and it could very well be that one or two property owners were not notified, that he had asked who had been involved and who had been invited to the process and he had been assured by people that he had confidence in that every property owner that was affected by this had been notified. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Leon Davis, 1221 McKinney, Houston, Texas 77002 (713-659-3131) appeared and stated that he was a veteran of street closings in cities in this category and he was frankly very upset because he hoped to be present and speak to more than a minority of the City Council because this issue if it was supposed to be decided tomorrow was an unfair issue if they did not permit them who were against the closing of Main Street to address more than a minority of the Council, that he thought they should be able to convey their message to everybody or to at least a majority of the Council before they should take the assumption of voting on the item, that he was present to tell them that he was a veteran of a street closing in Tulsa many years ago and was the strongest advocate of the street closing in Tulsa and it was a disaster, the office buildings were empty, the retail stores left and Tulsa today after some 30 years or more were finally getting around to opening Main Street once again, that it was history, it was fact not fiction, that the question was what was bad about closing Main Street in Houston, that it was inconceivable to him that the fourth largest city in the United States would have a Main Street where they could not go from the downtown part of Main Street to the other part of downtown Main Street in Houston because they had erected what he would call a vehicular wall, and Mr. Davis continued to voice his personal opinions regarding the Main Street Square project until his time expired. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Davis stated that out of 21 cities in the Country that they knew about that had closings of Main Street it had been a failure in 85% of the time, that they had property at the corner of Main and Walker, which was the original James Coney Island and they also had some property around the corner, that he was not involved in the process at all, that they had a representative from their office who sat there and did not understand the implications of it and it was not until it somehow got into the newspaper many months ago that he raised the roof and had been fighting it. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Detrick Kelly, 3814 Faulkner, No. 2, Houston, Texas 77021 (832-487-9392) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Don Bryan, 5303 Spellman Rd., Houston, Texas 77096 (713-729-8889) appeared and stated that his complaint had to do with a Mr. McCook, who was his guest, who had an automobile accident on June 13, 2002, that the officer at the scene called a wrecker, AR Brake Service came to the scene and agreed to tow the car to Stafford to Mr. Falsome's shop for \$125, when they got to Mr. Falsome's shop he told the wrecker driver and Mr. McCook that he did not do body work but that there was a good body shop down the street less than half a mile, that the wrecker driver added \$125 and doubled the price, that he had called Council Member Goldberg and Ms. Glace, who told him to call the wrecker service and see if they would not take the \$125 off and if they did not to ask them for a written copy of their charges for services, that when they did that they replied that they did not know anything about a consent to tow, that he had not seen anything that Mr. McCook had signed, all he had was a copy of the bill and continued to voice his personal opinions regarding the wrecker industry until his time expired. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon further discussion and questions by Council Members, Mr. Bibler stated that there may have been a violation, that the rules had always required that there be a signed document between the driver of the tow truck and the operator of the vehicle and so he would suggest that Mr. Bryan get with the Automobile Dealers Detail at the Police Department, that he had evidence that no wrecker slip was signed in this case, that the State had said that they could not regulate a person who was in that business unless they had an office in Houston, so in the past they regulated them to a limited extent, but they had never regulated the prices they charged, that their requirement had always been though that their signed wrecker slip originate at the scene and that the owner and the driver of the two truck agree on where the vehicle was to be taken and what was to be charged for. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. J. W. Chatman, 8427 Qual Hill Dr., Houston, Texas 77089 (281-438-6022) appeared and stated that on July 17, 2002 at approximately 3:10 p.m. he was called to Lamar and Louisiana, that a boot was put on one of his cars, that he owned the Orange Cab Company, that they said he had \$775 worth of parking tickets on it, that he thought that was for an old car that was now owned by another driver, that he went to 601 Sawyer to the 4th floor and showed them his license and they told him they had notified him about the tickets and he said they had not notified them about any tickets, that a gentlemen came out and told him to go to another room and he would talk to him, that the gentlemen told him that they had sent him a number of notices that he had a number of tickets and Mr. Chatman stated that he had not received anything about any tickets, that he went ahead and paid the tickets, the \$775, and then he said that he was going to protest it. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that Mr. Albright with the Parking Management was in the audience and was familiar with his case and would meet with him. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mrs. Marcella Winters, 7967 Airport Blvd., 77071 (713-729-1153) appeared and stated that she was present on behalf of her son Trent Winters who was incarcerated, that she had a handout for the City Council regarding Mr. Winters medical problems, that for some reason they had not addressed them yet and she was wondering what she could do to see that he received the kind of medical attention that she felt he needed. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that his records showed that Mr. Winters was in the County jail and not in the City jail and so the County officials would need to be notified at that facility that there were medical problems that needed attention, that he would be willing to send a letter to Sheriff Tommy Thompson with a copy of her notes, and Ms. Winters stated that the Sheriff was aware of the medical problems but they had not been addressed as yet, and Council Member Edwards asked if Mr. Winters had an attorney or a doctor who could set forth his medical condition and had that been done and Ms. Winters stated that those reports had been sent to them. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Bibler stated that the Sheriff ran the jail and the Commissioners Court had a public meeting once or twice a week at which they could sign up to speak just like they had at the City Council meetings, that the County Clerk's office had a division that kept records for the County Court and thought that was where she could sign up if she wanted to speak, and Council Member Edwards stated that her office would try to contact Commissioner Lee's office on her behalf to see if they could help her. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Faris Walkabout, 6423 Richmond, Houston, Texas 77057 (713-789-8855) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Reverend James Nash, 8309 Brandon, Houston, Texas 77051 (713-734-0810) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-1900) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Cieslewicz, 1250 Dubarry Ln., Houston, Texas 77018 (713-683-0703) appeared and stated he had a handout to pass out to Council Members and voiced his personal opinions regarding bicycle safety for children and bike laws until his time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Samuel Biar, 8701 Gustine Lane, Houston, Texas 77031 (713-777-7609) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Jerry Chapman, 13322 Forest Knoll, Houston, Texas 77049 (281-458-3847) appeared and stated that he was present regarding East Houston Masonic Lodge, who was declared tax

exempt through the Texas Comptroller's Office last year and the process called for the Lodge's to apply to each individual taxing agency, that they had already been cleared through Harris County, Harris County Flood, the Port Authority, the Educational District and North Forest Independent School District, that he did not know if any of them were familiar with Masonic Lodge's, that they were basically the baby Shriner's of America, they support the Shriner's Crippled Children Hospital on Main Street, the Shriner's Burn Hospital in Galveston, the Homeless School in Arlington and he was asking for their support in giving the tax exemption to the East Houston Masonic Lodge. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Chapman stated that the address for the Masonic Lodge was 8526 Green River Drive, that it did fall within the Houston City limits, that his organization was recently given the tax exempt status, that he had been working on it off and on since February, that they had managed to get through five taxing agencies and they had all been approved and they only had seven to go through, that the property was owned by the Masonic Lodge, that if the Masonic Lodge folded the it would revert back to the Grand Lodge of Texas to be used for charitable organization funds, that the owner of the building was a non profit organization and the law stated that they had to go to each taxing agency individually, and Mr. Bibler stated that he was looking at the statute that Mr. Chapman provided and it appeared to suggest that it was an optional local exemption that cities could offer, that they would not offer it to one specific Masonic Lodge but they would offer it to all similar properties, that he would check and find out if they had done it and if they had done it then he would in fact go to the Harris County Appraisal District to make the application, that he may be correct that the City had not offered this particular exemption and if they had not then the appraisal district could not give it to him. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Khistina Dejean, 325 Maple Dr., (General Delivery), Beverly Hills, California 90213 (310-712-1691) appeared and voiced her personal experiences regarding child support and opinions until her time expired. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Jatis Eggleston, no address, no phone, appeared and voiced her personal experiences and opinions regardless homelessness and the homeless shelters until her time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon further discussion Council Member Edwards stated that she would meet with Ms. Eggleston personally and see if they could get her into some stability. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Bill Kitts, 9505 N. Freeway, Houston, Texas 77037 (281-591-2875) appeared and stated that he owned and operated a business on I-45 Freeway, between West Road and West Mount Houston called British Sports Car Center, that for years and years he had been deprived his basic rights, that he had applied twice and talked with Council Member Galloway and could not get any farther and what he wanted was City water and sewer, that he had been refused by the MUD districts, Blue Bell Utilities and Southern Sanitary Corporation, that he had applied twice and did not seem to get anywhere, that he realized it was an easy task to just give him and his neighbors, which were businesses along the freeway, water and sewer but in order to develop the property and probably broaden the tax base for the City of Houston if they could provide them with water and sewer it would be a big plus. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he understood the problem he was facing and it appeared they did not have sufficient water and sewer capacity in that area, but there was an investor owned utility and asked if he had received a letter from Mr. Paul Nelson regarding his willingness to try to work with him also, and Mr. Kitts stated that yes he had received the letter. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon further discussion and questions, Council Member Tatro stated that Mr. Kitts still fell within the MUD districts jurisdiction and that was the problem, that the City of Houston could not take customers away unless the TNRCC basically handed that ability to them and it had to come from within, that they could not go poaching on someone else's permit. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Smith, 9309 Willowview, Houston, Texas 77080 (713-722-8995) appeared and stated that that he had a handout for the City Council, that he used to live at 9342 Greenswater and back in 1995 he got on the bad side of an inspector and now there was a \$11,000 civil lien on the property that he was trying to sell, that he was told by the City that it was not enforceable against the lien of the house but the mortgage that wanted to handle it would not sell it, and he continued to voice his personal experiences and opinions regarding the inspector and the Neighborhood Protection Department until his time expired. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that the information he had stated that Ms. Flannigan with the Neighborhood Protection Office had indicated that they would be willing to work with the new owner if the title company was willing to accept the property with the owner, and Mr. Smith stated that the title company was not going to accept what the City was saying, and Mayor Pro Tem Quan stated that Mr. Greg Simpson was present and would meet with him. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Alvin Wright, 1200 Travis, Houston, Texas 77002 (713-308-1808) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Danny Hamlin, 1766 DeMilo, Houston, Texas 77018 (281-893-3726) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Victor Glover, 6405 West Bellfort, No. 196, Houston, Texas 77035 (713-729-1749) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Dunning, 570 Kenwood, Houston, Texas 77013 (713-455-7043) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Gregory Foster, 8650 Ruthby, Houston, Texas 77061 (713-540-0710) appeared and stated that he would be running Mayor over the next 18 months and continued to voice his personal experiences and opinions until his time expired. Mayor Brown, Council Members

Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. James Patsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated July 30, 2002, that first of all he would like to let everybody know that he had been scanning a lot of his photos and if anyone was interested in viewing his photo album all they had to do was go to www.galvan.org and click my photos and it would take them to his photo album where there were a lot of his photos and some of his art pieces and art house at 1611 Holman that had been destroyed by the City of Houston and others, which brought him to Houston's bid for the 2012 Olympics, that Houston did not deserve to be the candidate City to represent the USA for the 2012 Olympics, that Houston continued to screw over its poor, homeless and disadvantaged, that his art house was in the hands of Judge Martha Hill Jamison, Harris County 164th Judicial District Court, and he would ask the court for unspecified damages against the City of Houston and others, that in addition he had been emailing people all over the globe for their support in convincing the USOC not to chose Houston to represent the USA, that he had also put a curse on the City of Houston that the City of Houston does not become the US candidate City, that the USOC Site Selection Committee would announce on August 27, 2002, his birthday, who the two finalists would be, that it would be a great birthday present for him if Houston was not chosen, that he used to be proud to be a Houstonian but Mayor Brown and all the politicians had made him ashamed to call himself a Houstonian, that Mayor Brown had mismanaged the City to the brink of disaster and had made Houston the number one corrupt City in the USA, that he would see the City of Houston in court and on his birthday, August 27, 2002, when the USOC does not chose Houston he wanted them to think of him and all those poor, homeless and disadvantaged people in Houston, they used their galvanic energy versus their dirty money, that Houston was hot and dirty, both physical and political, that he wanted also wanted to put in handknitlatino@yahoo.groups.com, that it was an offset that he started from handknit@yahoo.com cause handknit censored him and tried to censor minority opinions, Blacks and Hispanics, so he came up with handknitlatino@yahoo.groups.com. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

President Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) appeared and voiced his personal opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-697-0958) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 15 Charleston, No. 1107, Houston, Texas 77025 (713-665-1929) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 6:05 p.m. the City Council recessed until 9:00 a.m., Wednesday, July 31, 2002. Council Member Robinson out of the city on personal business. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, July 31, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, July 31, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller,

Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present.

At 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:19 Mayor Brown reconvened the meeting of the City Council and stated that the first order of business was a public hearing.

HEARINGS

1. **PUBLIC HEARING** to consider the creation of a Reinvestment Zone for **KERR-MCGEE OIL & GAS CORPORATION - DISTRICT B - GALLOWAY - 9:00 A.M.**

The City Secretary stated that no one had reserved time to appear at the hearing and Mr. Bill Calderon, of Planning, would make some remarks concerning the matter. Council Members Tatro, Galloway, Goldberg, Vasquez and Sekula-Gibbs absent.

Mr. Bill Calderon stated that this morning's public hearing was on the proposed creation of a reinvestment zone for Kerr-McGee Oil and Gas Corporation, that the City of Houston received a tax abatement application from Kerr-McGee Oil and Gas Corporation on November 16, 2001, supplemental information was received on July 3, 2002 as which point the application was considered complete, that Kerr-McGee Oil and Gas Corporation was founded in 1929 in Oklahoma City and was engaged in two worldwide businesses, that one was the oil and gas exploration and production and the second was the production and marketing of titanium dioxide pigment, that Houston was the site of their off shore oil and gas operations headquarters and they currently leased a building located at 16666 Northchase Drive on the City's northside, where they employed 325 people, that Kerr-McGee owned 7 acres of land immediately adjoining that building where they were considering constructing a 100,000 square foot office building to house the divisional headquarters for their on shore oil and gas operations which was currently located in Dallas, that this expansion of their Houston offices would generate a total investment of approximately \$14 million of which \$9.9 million was considered abatable, that it was anticipated that the project would create 50 full time jobs in the City of Houston and it was anticipated that a good number would transfer from the City of Dallas once the office was complete, that if the abatement was approved the City's average annual income during the abatement period was expected to go up by \$48,000, after the abatement period the average annual income would increase to over \$84,000 over current revenues, that the project was competitively sited with their Oklahoma offices, they also had leased space in Denver, Colorado, where they had considered moving the operation, that the proposed development was also located inside the Greenspoint TIRZ, that State legislation was passed back in 1999 to enable municipalities like Houston to consider the approval of abatement agreements inside TIRZ's, the legislation, as adopted, did require that all other participating jurisdictions in the TIRZ also adopt the tax abatement agreement and it was their understanding that all were on board at this point and were awaiting the City's approval first, that the Greater Greenspoint TIRZ Board of Directors had unanimously approved the tax abatement agreement at a meeting held recently, that Mr. David Christensen, Vice President of Land and Marketing was present and available to answer any questions that Council may have on the project and they also had representatives of the Greater Houston Partnership and the Greater Greenspoint Management District available to answer any questions they may have, and that concluded his remarks. Council Members Galloway, Vasquez and Alvarado absent.

Council Member Sekula-Gibbs asked Mr. Calderon if the next time he did presentation if he would be able to give them the numbers that he was reading from because it was so important. Council Members Galloway, Vasquez and Alvarado absent.

Mayor Brown stated that the RCA had all of that information and had been sent to the Council Members.

Council Member Sekula-Gibbs moved to suspend the rules to hear from Mr. Christensen, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Vasquez and Alvarado absent. MOTION 2002-0874 ADOPTED.

Upon questions by Council Member Sekula-Gibbs, Mr. Christensen stated that he lived in the Woodlands, that other cities were being considered, that their corporate headquarters were in Oklahoma City where they owned a building where they could move the office to essentially rent free and they had another substantial office in Denver, Colorado that served the Rocky Mountain area that could have housed the office as well as keeping it in Dallas, that he could not answer if they had any tax abatements in any of those other cities because he was only working the Houston piece since he was in Houston, that he was the salesman to their company in Houston because he wanted to see the office coming to Houston, that they planned on having at least 50 people, but they had not asked the employees in Dallas if they were willing to move yet, because it was too early and too premature, but the intent was to move the entire office and if any employee in Dallas did not accept the transfer they would have to back fill that position, that they currently had roughly 240,000 square feet at Greenspoint and they planned to increase 100,000 square feet additional, that they had been in Houston since the early 1970's and relocated to Greenspoint in the early 1980's with a very small office and continued to grow in their oil and gas operations to where they had 240,000 square feet now in Greenspoint, they loved the Greenspoint area and believed in it and were big supporters of the March of Dimes, the United Way, Inroads, the Houston Police Toy Campaign at Christmas and they believed in taking a very active role in Greenspoint and hoped to continue doing that, that they hoped to continue growing and be successful and were not looking to be bought out by any other company, that the 50 employee number was a number they could promise and one they could deliver on, but hoped they would be pleased at the end of the day because there would be a lot higher numbers because they planned on continuing being successful. Council Member Galloway absent.

Upon questions by Council Member Quan, Mr. Calderon stated that the City still gained even during the abatement period, that during the abatement period the revenues would increase and that increase was attributable to the personal property and fixtures that were taxable at 100% that was not subject to abatement that would be located in the reinvestment zone, that they also expected to receive on average slightly over \$350 in increase sales tax on a per capita basis to the City of Houston for each new job created and when they combined those two figures they expected the revenues overall to increase to the City, during the abatement, by \$277,000, that the regional economic impact they computed to be \$32.6 million, that was an annual impact to the City's economy of \$32.6 million. Council Member Goldberg absent.

After further discussion by Council Members, Council Member Berry moved to close the public hearing, seconded by Council Member Keller. All voting aye. Nays none. Council Members Goldberg, Parker and Quan absent. MOTION 2002-0875 ADOPTED.

MAYOR'S REPORT

At 9:29 a.m. Mayor Brown stated that the next order of business was the financial reports. Council Members Tatro, Galloway, Keller, Quan and Berry absent.

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

Ms. Sylvia Garcia, City Controller, stated that she was pleased to present the Monthly

Financial and Operations Report for the period ending June 30, 2002, otherwise known as the end of their fiscal year, that she would be speaking about the General Fund, that General Fund revenue projections decreased ever so slightly around a half a million from the May report, the net decrease in projections was attributable to increases in Telephone Franchise receipts, offset by reductions in Charges for Services, Direct Interfund Services and Municipal Court Fines and Forfeitures, that as to property taxes, that Property Tax Revenue projection of \$620.5 million was virtually unchanged from last month and was the same as the year to date amount reported, that they were projecting that collections during July and August would be equal to that of FY2001, that the final amount would be adjusted in direct proportion to the difference in collection amounts in July and August, 2001 versus 2002, that as to Sales Tax, their projection had increased by \$1 million, the July allocation payment was larger than last years by \$1 million or 4.2%, they projected the final check in August to be at least equal to the one received for the same period last year, this brought their year to date collections at about 5% over last year, ahead by about \$14.5 million, that Municipal Court Fines and Forfeitures were projected to end the year at \$34.6 million, while case filings continued to increase most cases had not had the time to go through the processes and procedures to see some real impact on their revenue side, that collections were still about 13.6% less than Fiscal Year 2001 or about \$5.6 million, that as to Direct Interfund Services, they were short on those about \$2.4 million, they were projected to be at about \$65 million and ended up about \$62.6 million, they would be working with the administration on making sure that this next fiscal year they would work together to insure that the billings were perhaps more timely done and more consistently done throughout the year, that billings this year ended up coming in over half of the last month of the year, that in terms of their expenditures, she was pleased to report they were projected a savings of \$5.1 million additional dollars, most departments, the Fire Department being the only significant exception, acquired all their spending within or less than the spending limits set by the General Appropriation Ordinance, that concluded her Monthly Financial Report and she would move on to the Quarterly Investment Report, that again it was for the same time period ending June 30, 2002, that the City's portfolio was approximately \$2.2 billion and it was invested in eight different investment pools, the largest pool was the General Pool with a balance of about \$1.65 billion, it was down about \$160 million from the prior quarter as a result of normal seasonal fluctuations, the other investment pools, which were for the most part, construction funds for the Airport, George R. Brown expansion and the Convention Center Hotel, showed normal levels of activity during the quarter, the yield on their General Investment Pool one year ago was approximately 5.7% and as of June 30, 2002 the yield was at about 3.8%, a decrease of almost two full percentage points, they were forecasting the yield would continue to go down to approximately 3.25% during the current fiscal year that they just began, if at most economists predicted the fed starts raising interests rates in about six months there would be no significant effect on investment portfolios until 2004, that concluded her report for the Quarterly Report and the Monthly Financial Report. Council Members Tatro, Galloway and Berry absent.

Dr. Philip Scheps, Director, F&A Department, stated that their projections were shown in the report and were slightly more optimistic than the Controller's, but were very close on most of the items, that revenue estimates they assumed would be \$1.358 million when the accruals were finally done, if they took out the pass through amount, because of the airport security, it was about 1% below projections, it turned out it was not sales tax though, that sales tax had come back to their original projections despite the September 11th problem, the problems in Revenues were Municipal Courts and Ambulance, both things that they thought would do substantially better next year and had strategies in place to make those better, on the Expenditure side, when they did the accounting properly and take out the pass through's they were about \$15 million on the Expenditure side below the original budget, which was basically the result of the position control process that was necessary to get them through the year, that on their ending balance they were projecting they would end up with \$92.5 million, which was an increase over the beginning balance, they built their balance during the year on their more optimistic projections and that would be about 7.7% of expenditures and included the Rainy Day Fund, that he would just mention that they had a very successful Airport Financing last week and priced the first two thirds of that large issue at a true interest cost of about 5.29%, deemed to be

a routine but very successful financing and the market cooperating very nicely, they had the Cottswold financing on the agenda today and was the first step in a competitive issue, which would be back to them with a competitive interest rate later on in the month, and that concluded his report. Council Members Tatro and Galloway absent.

Upon questions by Council Member Robinson, Dr. Scheps stated that they thought there would be a \$4 million growth in balance with the Rainy Day Fund funded so they expected there would be \$9 million more balance than beginning and \$5 million would go to the Rainy Day Fund and \$4 million would go to un-designated amounts and Ms. Garcia stated that theirs was slightly different by \$3 million, that un-designated would be \$82.5 million and theirs was \$85.3 million so there was still a slight difference between them, that \$5 million of theirs was to the Rainy Day Fund, and Dr. Scheps stated that their answer had nothing to do with cash on hand, and Ms. Garcia stated that on page 10 it gave them the cash on hand as of June 3, 2002, which they report on last time, that it was \$6.4 million cash on hand and it would become part of the fund balance and separate and distinct from the Rainy Day Fund, that they would be happy to meet with Council Member Robinson on the ending balance. Council Members Galloway and Vasquez absent.

Upon questions by Council Member Sekula-Gibbs, Dr. Scheps stated that as to Municipal Courts it was a substantial improvement based largely on the tickets, that the Linebarger contract was being revised and there were increases being made in tickets themselves, the number of tickets, that officer dismissals should be dramatically down because now they had the new traffic unit with an assigned court day and thought that was part of it, that the failure to appear and the Zbeck contract were coming, there were going to be warrant sweeps that had been added, so there were about five strategies in place, there was always data connection problems that sort of defied analysis, but he could tell them that everybody worked on it a lot, that in other words the coordination between the Linebarger Firm and Municipal Courts, he believed, was getting better, that they talked all the time and tried to resolve the data problem, that they had one last month with the parking tickets, and Ms. Garcia stated that she could not recall what their projection was, but she did recall that it was about \$4 million or \$5 million less than the administrations, that they thought theirs was slightly optimistic. Council Members Tatro, Galloway and Vasquez absent.

Upon questions by Council Member Quan, Dr. Scheps stated that the health benefits were a little misleading because they had more retirements than they expected, which meant that even though the General Government cost of funding the health benefits for the retirees went up the department's cost went down, so some of it was offset, it was a cost that moved from the department to General Government when someone retires, that they had a dramatic decrease in City staff but a lot of it was because of retirees that was part of the savings in the departments when they did not refill the positions that were retirees, that it was very difficult to decrease benefits for employees once they had granted it to them, it was very difficult to do that unless they did it for a new class of employees. Council Member Galloway absent.

Council Member Parker moved to accept the financial report, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Galloway absent. MOTION 2002-0876 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 28 and 30 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent. MOTION 2002-0877 ADOPTED.

Council Member Keller moved to suspend the rules to consider Item Numbers 58 and 76 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent. MOTION 2002-0878 ADOPTED.

REPRESENTATIVES regarding the establishment of a Commission to examine the institution of slavery and its lingering effects in American Society today and to recommend to Congress appropriate remedies to address such effects, including the consideration of reparations for the descendants of enslaved African-Americans - was presented.

Council Member Sekula-Gibbs stated that she appreciated all of the comments that were made yesterday and recognized the fact that this was a very emotional and important issue for many people in the City as well as in the Country but was going to speak against passing it because one, she did not think it was a cause of City action, and number two she thought it was divisive, and number three the AIDS epidemic as it currently existed in Africa was a real current issue and rather than focus attention on a historical item she wanted to focus attention on today's problems and take whatever funds the U.S. Treasury had that could be used to improve the lot of all of the people who were battling HIV and AIDS around the world and deal with that.

Council Member Wiseman stated that she too wanted to speak out on the issue, that they did have numerous constituents speak very passionately on the issue and wanted to thank them for doing so, that Congress was addressing many issues that people felt very passionate about, that everyone who spoke yesterday did have a U.S. Representative to which they could turn to and ask for support on it, that it was an issue to be taken up by Congress, that they as elected officials had the responsibility of taking care of the direct and immediate needs of the people of the City of Houston.

Council Member Edwards stated that she respected her colleagues opinions to vote, but it was amazing the hypocrisy she saw when they passed the resolution regarding the San Jacinto Rail which they had no jurisdiction over, that they passed that resolution and had townhall meetings against the resolution and the same City Council Members fought very hard to get that resolution passed, they had no jurisdiction over that, that they said they wanted to send a message, that she thought they had to be very careful how they model and voice their opposition, that she respected people's rights to be on different sides but they had to be real of what they were talking about, that she thought they needed to be honest if they were against a position just to say they were not for it, that there was no money tied to reparations, this was looking to have a study and was not about whether they were going to spend the money on reparations or spend the money on AIDS in Africa, that was not even an issue, that the issue on this point was if they as the City of Houston were saying that they wanted the government of the Country to look at a process that was coded by law and afflicted over millions of people, that they needed to vote on it and move forward, that they were not telling Congress what to do, what they were trying to do was let their constituents have a voice to lift up.

Council Member Parker stated that the proposed resolution did not say they supported reparations, it did not say how its mission should be constituted, who should serve on it, how they should conduct their activities, it said they should create a commission to study the effects, somehow through all the rhetoric they had been hung up on reparation, the commission had to discuss reparations, it did not have to recommend reparations and then they had further gotten confused with the idea that reparations somehow meant payment to individuals, reparations could mean massive funding to Africa for HIV/AIDS, reparations could mean major scholarship money, it could mean medical programs in the United States, it could mean a range of things, but all they were asking for was a discussion and there was nothing sinister or surprising about having the discussion, that it was entirely appropriate that here in America they should have this discussion, that the issues of race in the County were already divisive, was it not time they sit down and finally come to some resolutions and move forward, since when had Americans been afraid to discuss and debate major issues, she encouraged her colleagues to support the resolution.

Council Member Robinson stated that he was going to vote in favor of the resolution and wanted to thank Council Member Parker for making clear what it really said, that they were intimately and actively involved in influencing legislation in Washington, that he did not have a

problem going on record on all 8,000 bills, he was going to vote for a woman's right to chose and did not have a problem putting that on the record, that he did not know that the answer was going to reparation and before he jumped to that conclusion and say that was the premise or the question, he was going to be very careful, that it just did not make sense to say it was something outside of their jurisdiction, that it was about speaking for the people in the community and they may vote it down or they may pass it, but that was what the democratic process was all about.

Mayor Brown stated that he got involved with the federal process on a regular process and there were many issues in Washington that impacted Houston and other cities throughout American, and through the U. S. Conference of Mayor's he was requested on a regular basis to write letters to their Congress people, both Senators as well as Representatives on legislation that was pending that had an impact on the City, that was constant and happened all the time.

Council Member Galloway stated that she was really urging them to support the resolution because they seemed to see it as not a City issue, well it was a people issue that lived in the City and that made it an issue for the City and as her colleagues had so eloquently stated it was a study, that until they faced reality and came to grips with the issue then they could never be able to move forward, that was why they still had high masses of discrimination because everyone did not understand the right of all human beings, that it was not about race, it was about the human race. Mayor Brown and Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he thought it was imperative that they deal with it in a way that was going to be as thoughtful as they hoped the members of the House of Representatives would and that was why he thought they ought to keep the discussion focused on the simple fact that the resolution was asking that they go on record calling for the need for the study to occur like other cities had. Mayor Brown, Council Members Goldberg and Vasquez absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he had been against reparations from the beginning, that he had a lot of questions regarding the resolution, that life was not fair, that things happened in life, that they did not always controlled their own destinies, that a lot had been made about the Japanese reparations, which he thought was clearly distinguishable from any reparations that were being considered here, that he agreed it was an issue that had hurt a large portion of the population for a long time and while he may not be totally in sympathy to that concern he felt it was right that they did have a debate and that Congress look at it and see if there was any feeling to be had by it, so even though he did not believe in reparations as a remedy, he certainly did not believe that they should duck the issue either, that he had expressed his opposition in the past, but intended to vote for it at this time. Mayor Brown and Council Member Vasquez absent.

Council Member Ellis moved to call the question, seconded by Council Member Parker. All voting aye. Nays none. Mayor Brown and Council Member Vasquez absent. MOTION 2002-0879 ADOPTED.

A roll call vote was called on Item No. 28 and Mayor Brown stated that he would tag Item No. 28 and Council Members Tatro and Keller and Ellis stated that they would also tag the item.

Council Member Edwards stated that she wanted people to know that it was not about comparative suffering, it was just about the process that they tried to operate in, did they have the opportunity to dialog, that in her opinion it was not about who suffered more or who suffered less or whatever, but did they have the opportunity to dialog about what happened in their Country and how did they develop a go forward strategy.

Mayor Brown stated that he thought Council Member Parker clearly outlined the issue that was before them, that as he pointed out yesterday, Houston was not being asked to be a trailblazer on an issue, many other cities had taken the same posture, passing a resolution, supporting an item that was before the U. S. Congress that called for a creation of a

commission to study an institution that existed in their Country called slavery and what impact it had on America as well as other people including African Americans, that the commission would be appointed by representatives from the President, the leadership of the House and Senate and all they were being asked to do was to support a resolution in favor of a commission to study that issue, that it was beyond him why anyone could not support debate on a major issue in the Country, he had tagged it because he wanted to have the opportunity to see if there was any information that someone was lacking at this time that would help them to understand the very simple issue, a resolution from the City Council, like Dallas, like New York, like Los Angeles, like many other cities, that supported debate on a national issue, that if there was something that was lacking in terms of knowledge or information, he wanted to make sure that everyone was fully equipped before they made the vote next week.

Council Member Sekula-Gibbs stated that she would like her tag to be added to Item No. 28, and Mayor Brown stated that Council Member Sekula-Gibbs and Council Member Wiseman also tagged Item No. 28.

30. **ORDINANCE AMENDING CHAPTER 26 THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Off-street Parking and Loading requirements in the South Main/Texas Medical Center Area; containing other provisions relating to the foregoing subject; providing a severability clause **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2002-0681 ADOPTED.

58. ORDINANCE approving and authorizing compromise and settlement agreement between the City of Houston and **PRICEWATERHOUSECOOPERS, L.L.P.**, to settle a claim - \$77,573.40 Property and Casualty Fund – was presented.

Council Member Goldberg moved to postpone Item No. 58 for 3 weeks, seconded by Council Member Keller.

Council Member Goldberg stated that he had just received some figures and prices and would like to take the time to meet with the Legal Department to go over some of the expenses.

Mayor Brown asked Mr. Hall if the delay would have an impact on what they needed to do for the benefit of the City, and Mr. Hall stated that they believed if it was postponed for three weeks it would be catastrophic for the City and the citizens of the City, that with their permission he would like to explain what the issues were and what they were about, so that Council would remember what they were dealing with, that as they recalled they got a judgment from the trial court on the issue of the Vela lawsuit and whether or not firefighters in the City of Houston performing various duties were eligible for overtime pay and whether or not the City had violated the federal wage and hour laws in the way that it did pay firefighters and all of the issues related to that, and if they did over what period of time and all of those kind of issues, that initially the trial court in effect dismissed the suit on the basis that the federal statute that they were claiming the City had violated under was not applicable, the Fifth Circuit Court of Appeals reversed that decision and that was the time in which they presented that issue to Council in an effort to appeal that decision at that time, Council did not approve their request to appeal that decision at that time so they tried to commence to conduct that appeal on their own with a \$25,000 contract with a firm they had identified to Council, that they needed to reserve that federal appeal, the Supreme Court appeal, until all of the issues had been resolved, until they had the trial and had raised all of the issues and they had been resolved, that was what was happening right now, they were in the middle of that process, so that Council was advised about what the accounting contracts were about, it was not an aggregate judgment case, it was not a question of the City owing \$50 million, \$60 million or \$70 million and some court just deciding they owed that much money, the issues that were being litigated were questions of how much each individual firefighter from among approximately 2,000 was owed specifically as a result of what they worked and whether or not they were compensated legally for the time they worked, that was

what the accounting contracts, related to this case were about, they had to physically go through and if in fact the time frame that presently was being calculated, applied, they would have to go back to each one of those, back to 1985, and calculate every week they worked and what they were doing and then decide if they worked on a fire truck any time during that week, those were the issues that had to be resolved, that was what it was for, that on July 5, 2002, they received an order that was signed on July 2, 2002, that said that they were supposed to have the calculations by August 5, 2002, there was at least miscommunication between City's Counsel and counsel for the other side about the process that was going to be used because it was their understanding that they were going to submit to them their proposed list and they would react to that, so they were in the process of setting up the procedure and getting the professional help they needed to evaluate that, they later learned it was a misunderstanding, that they both were supposed to be preparing their list at the same time, which was why they issued the \$25,000 contract to try to get started, that it was real important that they understand that these two items were not at that time linked, the \$450,000 contract that was on the agenda now was a contract to be used for another big case they had, a \$900,000 case and for just a host of litigation that they had customarily had professional service support on, that was what the \$450,000 was for, some were big lawsuits, some were very little, that they were experts for calculating damage both for suits that they defended and for suits that they filed, that it was important that they understand that what they were asking for was the support they needed to prosecute the litigation and to delay the issue was to say that they could not provide the information the court had ordered them to provide, they had given them until August 5, 2002, to come in and respond, they would not be finished, but they would at least like to go in and say they had a firm retained that was calculating the damage pursuant to the order that the Court had given them, that was what it was about, that the other issues were issues that obviously spoke for themselves, that all of it had to be litigated, but he would suggest to them that it would be more than irresponsible for them not to respond because they did not have the consulting help they needed to appropriately and properly respond to the courts order and to the damages that if they lost they ought to pay. Council Members Galloway, Edwards, Berry and Robinson absent.

Mayor Brown stated that they had an obligation to defend the interests of the City and were ordered by the court to do some things that were not under their control and Mr. Hall stated that he was right, they did not have a chance to set the time frame that they had to respond to, the federal court sets that, that he did mention the other item, that the separate item was obviously a mistake, they had written that, they issued the \$25,000 contract, Coopers and Lybrand went over and this was to pay that overage in a full disclosure manner so that Council understood, that it was a compromising settlement for that overage, that the overage was done by the firm trying to comply with the order from the court, trying to get the information that they were ordered to submit to the court, that they should have gone to Council to get the approval before going over the \$25,000 and they had written the appropriate letters saying that but the work that they did was legitimate work and there was a communication problem because they understood they were supposed to finish it as quick as they could and that they were not to stop at the \$25,000 limit, that on this one they owed the money. Council Members Galloway, Edwards, Berry and Robinson absent.

Council Member Tatro asked Council Member Goldberg if he would consider making it a two week delay and Council Member Goldberg stated yes, that he would amend the motion to a two delay, but actually Mr. Hall barely touched on the issues that he raised, that it was not about the suit, the fact was they were allowed to spend under \$25,000 without coming to Council, they were not allowed to spend over \$25,000 without coming to Council and that was exactly what the item was about, they went around the process, there was a process and they subterfuged the process and he would like to know why they did that. Council Members Galloway, Edwards, Berry and Robinson absent.

Mr. Hall stated that maybe Council Member Goldberg did not hear him or did not want to hear him but that was precisely what he explained and would repeat himself, that they issued a \$25,000 to Coopers and Lybrand for performance of a specific task, there was a

misunderstanding on their part and the City's and in their communication because they thought they were to proceed to finish the task by the deadline, they exceeded the \$25,000 by the amount as they explained in the printed documentation, they have professed that and indicated that, they had not tried to hide that, they did do the work and the Legal Department did order the work, but they ordered it for \$25,000 and initially they thought they could do it for \$25,000, and Council Member Goldberg asked if in the initial correspondence did it state they were not to exceed \$25,000, and Mr. Hall stated that this initially was an engagement by the attorney who was in charge and that was who in fact was communicating with Coopers and Lybrand, and Council Member Goldberg asked if anything was put in writing as to how much should be spent and Mr. Hall stated that the initial contract was for \$25,000, the purchase order, and Council Member Goldberg stated that Pricewaterhousecooper knew this, they knew they could not exceed \$25,000, and Mr. Hall stated that they knew the purchase order was for \$25,000 and therein was the source of the conflict because they did have a specific scope of work that they asked them for, which was the judge's order, to give them the information to comply with it, so they kept working pursuant to that scope of work by the deadline, and Council Member Goldberg stated that actually they were at fault for continuing to work, and Mr. Hall stated that he would hesitate to say who was at fault because they ordered a specific amount of work and issued a contract in pursuit of that and the contract was not for enough, that the legal issue, as he could appreciate here, was not a question frankly related to that, it was that they performed work they requested and they had accepted it and submitted it to the court, so they owed them the money, that was not the issue, they submitted to the court what they gave them, it was just that it was not finished, Council Member Goldberg stated that he would amend his motion for two weeks and Mayor Pro Tem Quan asked Mr. Hall if that would help in any way and Mr. Hall stated that he did not think so, that this, if they were sued, they would be ordered by the court to pay, that was clear on this particular item, they had done the work, that what was at issue here was whether or not they could get them to finish with this issue hanging out there and what was at stake there was whether or not the City could potentially owe what could be as much as \$200 million simply because they did not get the authority and support to handle the law suit. Council Member Alvarado absent.

Council Member Robinson asked for a point of parliamentary inquiry and asked if they could set aside the discussion of the issue for about 5 minutes and go back to Item 28 and would ask if his colleagues would remove their tags so they could vote on the item.

Council Member Robinson moved to suspend the rules to bring back Item No. 28 before Council, seconded by Council Member Galloway.

Mayor Brown stated that he would remove his tag on Item No. 28, and Council Members Ellis, Keller, Tatro and Sekula-Gibbs removed their tags as well.

A vote was called on Council Member Robinson motion to bring back Item No. 28 before Council. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2002-0880 ADOPTED.

28. RESOLUTION concerning H. R. 40 pending in the **U. S. HOUSE OF REPRESENTATIVES** regarding the establishment of a Commission to examine the institution of slavery and its lingering effects in American Society today and to recommend to Congress appropriate remedies to address such effects, including the consideration of reparations for the descendants of enslaved African-Americans – was again before the City Council.

A roll call vote was called on Item No. 28.

Mayor Brown stated that he wanted to make one last appeal to the Council Members, all they were asking for was a vote to support an item before the U.S. Congress to create a

commission to study an item, that was all they were being asked to do.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting aye
Council Member Keller voting no	RESOLUTION 2002-0024 FAILED

Council Member Robinson stated that he wanted to thank the Mayor and his other colleagues for removing their tags so they could vote and thanked Council Member Edwards for bringing the item forward, that he thought the vote said a lot about them in the sense that they had the courtesy to vote on the item today, so he wanted to thank his colleagues for that even though he wished it had passed.

Mayor Brown stated that for those who were supporting the item he wanted to tell them that they would get support from this Mayor in the form of a document that they could take to Washington, D. C. that states that the Mayor of Houston supports the resolution that was pending before the Congress, that they had his support.

Council Member Galloway asked for a moment of personal privilege and stated that she wanted the African American Community to know that she also would be sending a letter in support of the House Resolution 40 as well because she thought it was so needed, that she was just sorry that her colleagues could not come to the same consensus to support the study for the African American Community.

Mayor Brown stated that they were back on Agenda Item No. 58.

Mr. Hall stated that this issue was money they already owed and frankly the discussion was about whether or not they proceed under the contract they needed them to proceed under if Council did not agree to pay them for the work they had already done, did the contract stop them from doing anything, no, they had already done this work, what they needed them to do, and that was why he was trying to make the explanation, was to proceed to work to get the documents filed in court under the other contract and whether they proceed to do that without not having paid them for the work they had already done was a question they were discussing and Ms. Taylor told him that at least she had some indication that they might proceed in an effort to help the City get the documents filed as quickly as they could if they got the other contract. Council Member Robinson absent.

Mayor Brown asked Council Member Goldberg what was his opposition against paying people money that they owed them, and Council Member Goldberg stated that it was money that they had not been authorized to spend and it was money that had not been authorized to incur the work on, and Mayor Brown stated that was what they were there for to get the authorization, that Mr. Hall had explained it to them, they were ordered by the court to do something, they had to do it, they had no choice, and Mr. Hall stated that they were ordered by the court to provide their calculations of damages, that the item was to pay them the money for the work. Council Member Robinson absent.

After a further lengthy discussion Council Member Galloway moved to call the question on the discussion of Item No. 58, seconded by Council Member Berry. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-0881 ADOPTED.

A roll call vote was called on Council Member Goldberg's motion to postpone Item No. 58

for two weeks.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting no	Council Member Robinson absent
Council Member Keller voting aye	MOTION 2002-0882 FAILED

A vote was called on Item No. 58. Council Members Goldberg, Tatro, Berry and Vasquez voting no, balance voting aye. ORDINANCE 2002-0682 ADOPTED.

Council Member Tatro moved to suspend the rules to consider Item Numbers 41, 42, 53, 53a, 53b, 54 and 27 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-0883 ADOPTED.

76. ORDINANCE approving and authorizing agreement between the City of Houston and **PRICEWATERHOUSECOOPERS, L.L.P.** for Litigation Support Services - \$450,000.00 Enterprise and Property and Casualty Funds - (**This was Item 24 on Agenda of July 17, 2002, TAGGED BY COUNCIL MEMBERS ELLIS, GOLDBERG, SEKULA-GIBBS, TATRO, VASQUEZ, KELLER and WISEMAN**) - was presented.

Council Member Alvarado moved to amend Item No. 76 to reduce the contract by \$77,573.40, seconded by Council Member Goldberg. Council Member Robinson absent.

Council Member Goldberg asked of the \$77,573.40 how much of it was specifically for the one case mentioned in the RCA and Mr. Hall stated that as they explained in the written materials that all Council Members were provided it was uncertain how much that was, they did not know how much it was because they had not yet determined the scope and amount of work they were to do in the case, it was to provide litigation support for a claim they had made against the City, that as he recollected, for \$900,000, that it was probably not as high as \$450,000, that the City had a claim also and so they were going to be working both of those issues, but to say that they did not anticipate it being that high, and so that Council understood, this contract was a contract that traditionally had been in place for the Legal Department to provide litigation damage support on all kinds of things, they draw on that contract to provide that expertise, that he wanted to suggest that Council Member Alvarado had talked to him about it and obviously they would hope Council would not do it, but on the other hand it just meant they would have to come back and they would do that obviously, so the amendment was not catastrophic to them, they would just come back sooner than later. Council Members Vasquez and Robinson absent.

Council Member Ellis stated that he needed some clarification on it, and stated that Council Member Goldberg said something that kind of threw him, that they were spending \$450,000 to defend a lawsuit that was \$900,000 and Mr. Hall stated no, and Council Member Ellis asked if it was tied into the previous and Mr. Hall stated yes, that they mentioned that one case because they knew that case was presently before them and part of the funding for it was out of Water, that case would actually come from a different source, this contract was frankly a continuation contract for providing general litigation support services on all of the cases that they needed it on, that it was contemplated that some of the work on the Vela case would come out of this contract, and Council Member Ellis stated that then it would be appropriate for Council Member Alvarado's amendment to reduce by the cost overrun so he would be in strong support of Council Member Alvarado's amendment. Council Members Vasquez, Parker and Robinson absent.

Council Member Goldberg asked if the \$77,573.40 they just voted in was not part of the \$450,000 and Mr. Hall stated that it was not to be, that Council Member Alvarado was reducing the appropriation of the \$450,000 by the \$77,573.40, that the \$450,000 was not inclusive of the \$77,573.40 and Mr. Hall stated no, not as was presented to Council, that it was two separate items, and Council Member Goldberg stated that he wanted to make a friendly amendment, that the \$77,573.40 had nothing to do with the \$450,000, and Mr. Hall stated that it depended on what they meant when they said it had nothing to do with it, that the \$77,573.40 was to support the Vela case, part of the \$450,000 would be used to support the continued work on the Vela case, that it was in addition to the \$77,573.40, and Council Member Goldberg stated that what he would say was that they stick to the RCA and he would make the friendly amendment that they vote on money only for that particular case, and Mr. Hall stated that would be catastrophic, and Council Member Goldberg asked what cases they needed the additional money for, and Mr. Hall stated that Vela was one, that they had been talking about it for the last hour, that they just voted the money for work they had already done, that additionally the \$25,000 was to get started to submit something for the Vela case, that he had explained to them that he did not know how much, but to please listen to him, that in the previous case that was in place before he got there, they had spend \$800,000 doing the work, they did not intend to spend that much, which was why they had been trying to negotiate alternatives to making it happen, but he was explaining, and that was what apparently Council Member Goldberg did not hear, that they had to go through, they could not make an award in this case for \$70 million, they had to make an award to almost 2,000 people based on individual calculations, over 2,000, that was the work they were talking about and that had not been done, that the \$450,000 would go for the Vela case and maybe a dozen others that they used damage calculation experts on all the time, that he was saying that they could go through on every little case and spend \$25,000 but they had never done that, all of the money they had spent on litigation support had been under the master contract, that they see, vote on and approve, they did not do it that way, that was why he was trying to explain that the \$25,000 contract that they had on Vela was very unusual, they did not do it that way, that it was not an annual contract, that it ran until the money runs out or the case runs out that they assign the money to. Council Member Parker absent.

Council Member Galloway moved to call the question on Council Member Alvarado motion to amend Item No. 76, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Parker absent. MOTION 2002-0884 ADOPTED.

A vote was called on Council Member Alvarado motion to amend Item No. 76. All voting aye. Nays none. MOTION 2002-0885 ADOPTED.

A vote was called on Item No. 76 as amended. Council Member Goldberg voting no, balance voting aye. ORDINANCE 2002-0683 ADOPTED.

41. ORDINANCE issuing permit to **CRESCENT REAL ESTATE FUNDING III, L.P., A Delaware Limited Partnership**, for maintaining, using, occupying, operating and repairing certain previously constructed improvements appurtenant to Greenway Plaza and Greenway Plaza Section Five within portions of Buffalo Speedway, Edloe Street, Richmond Avenue, Timmons Lane and Colquitt Street, public street rights of way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Keller absent. ORDINANCE 2002-0684 ADOPTED.
42. ORDINANCE approving and authorizing right of entry agreement granting to **CENTRAL HOUSTON CIVIC IMPROVEMENT, INC** the right to enter upon the Main street right of way between Walker and Dallas Avenues to construct and/or install certain improvements - was presented, and tagged by Council Members Robinson, Tatro and Sekula-Gibbs. Council Member Keller absent.

53. ORDINANCE creating the **LANDRY'S MANAGEMENT REINVESTMENT ZONE** for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO** - was presented. Council Members Tatro and Sekula-Gibbs voting no, balance voting aye. Council Member Keller absent. ORDINANCE 2002-0685 ADOPTED.
- 53a. ORDINANCE approving and authorizing a Tax Abatement Agreement between the City of Houston, Texas and **LANDRY'S MANAGEMENT, L.P.**, for certain property located within the Landry's Management Reinvestment Zone; granting variances to certain requirements of Chapter 44 of the Code of Ordinances - **DISTRICT I - ALVARADO** - was presented. Council Members Tatro and Sekula-Gibbs voting no, balance voting aye. Council Member Keller absent. ORDINANCE 2002-0686 ADOPTED.
- 53b. ORDINANCE approving and authorizing agreement for Convention Services between the City of Houston and **LANDRY'S MANAGEMENT, L.P.** with regard to the Inn at the Ballpark Hotel to be located at 1502 Texas Avenue; including a limitation of funding in the amount of \$2,119,971.00 **DISTRICT I - ALVARADO** - was presented. Council Members Tatro and Sekula-Gibbs voting no, balance voting aye. Council Member Keller absent. ORDINANCE 2002-0687 ADOPTED.
54. ORDINANCE issuing a permit to **LANDRY'S MANAGEMENT L.P.** for building, constructing, using, occupying, operating, maintaining and repairing (I) Vault space and (II) Overhead canopies and cornices within portions of Texas Avenue, Crawford Street and Capitol Avenue abutting Block 74, S.S.B.B.; being within public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** - was presented. Council Members Tatro and Sekula-Gibbs voting no, balance voting aye. Council Member Keller absent. ORDINANCE 2002-0688 ADOPTED.
27. RESOLUTION adding certain program guidelines and supporting the issuance of Multifamily Housing Revenue Bonds by the Houston Housing Finance Corporation in furtherance of the development of Affordable Apartment Projects including projects which may be owned or operated by tax-exempt entities - was presented, and tagged by Council Member Tatro.

Council Member Quan stated that this was the PILOT to go forward with the program and there had been a lot of discussion regarding taking property off of the tax rolls with CHODO's, community development corporations, that it came before committee and was passed unanimously, but even though it was passed unanimously he sought additional input with the Houston area realtors and the Houston Apartment Association, and people in the industry and so there were a few modifications to that, that he passed out to each of the Council Members the amendments to Item No. 27, that there were basically three changes, the first change was a technical change as to the wording, as to who the parties would be, there was an explanation as to that, that change number two dealt with rents, they wanted to maintain it as affordable housing, there were two formulas that could be used and the developer would have an option to use either, and change number three dealt with the process that the loans went through HHFC, that as they knew from previous experience there had been concerns that appraisals be in, that any modifications add to the value of the property and so that addressed that issue as well, that it had the concurrence of the Houston Apartment Association, as well as non profit organizations and as well as the Department of Housing and Community Development and offered the following amendments to Item No. 27:

1. Amend Section 2 (1), (2) and (3) to add "**or its sole member**" to "applicant" on lines 1, 5 and 2 respectively, in the Resolution;

2. Delete Section 2 (5) [Restricted Rents] in its entirety and add a new Section (5) [Restricted Rents];
3. Add a new Section 2 (6) and (7) to the Resolution

Council Member Tatro asked if they were basically replacement amendments, and Council Member Quan stated yes, that there was a black line version and they would see it highlighted, where the changes occurred, and Council Member Tatro stated that he would tag the main item and the amendments.

Upon questions by Council Member Berry, Council Member Quan stated that as they knew that State provided that if the City adopted the program of Payment in Lieu of Taxes then they could impose that as opposed to having CHODO's be exempt completely, so they sought to institute a program that would encourage development of affordable housing but at the same time not erode the tax base.

CONSENT AGENDA NUMBERS 2 through 70

MISCELLANEOUS - NUMBERS 3 and 4

3. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **BRAYS VILLAGE PATIO HOMES MAINTENANCE FUND, INC** for Law Enforcement Services of 2 Deputies from Harris County Constable Precinct 5 - **DISTRICT F- ELLIS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0886 ADOPTED.
4. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **CYPRESS-FAIRBANKS INDEPENDENT SCHOOL DISTRICT** for Law Enforcement Services of 1 Deputy from Harris County Constable Precinct 4 - **DISTRICT A- TATRO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0887 ADOPTED.

DAMAGES - NUMBER 7

7. RECOMMENDATION from City Attorney for settlement of lawsuit styled **CHARLES EDWARD HEIM** vs. Ronnie John Parker and the City of Houston, et al.; in the 268th Judicial District Court of Fort Bend County, Texas, Cause No. 107,742 - \$27,500.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0888 ADOPTED.

ACCEPT WORK - NUMBERS 11 through 18

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,823,006.69 and acceptance of work on contract with **RAY FERGUSON INTERESTS, INC** for Neighborhood Street Reconstruction Project No. 427, GFS N0353-01-3 (N-0353-01) - 08.45% under the original contract amount - **DISTRICTS B- GALLOWAY and D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0889 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,201,662.26 and acceptance of work on contract

with **RAY SMITH CONSTRUCTION, INC** for Construction of Woodridge Improvements, IH-610 (South Loop) to Winkler; GFS N-0695-01-3 (SB9013) - 05.53% under the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0890 ADOPTED.

13. RECOMMENDATION from Director Department Public Works & Engineering for approval of final contract amount of \$541,360.66 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD** for Construction of Asphalt Overlay Project in Northline Park Phase I - NTS Tier VI, GFS N-1037-05-3 (OL2005) - 11.57% under the original contract amount - **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0891 ADOPTED.
14. RECOMMENDATION from Director Department Public Works & Engineering for approval of final contract amount of \$224,927.56 and acceptance of work on contract with **R. J. CONSTRUCTION COMPANY, INC** for Sharpview Lift Station Rehabilitation, GFS R-0267-A1-3 (4728-1) - 00.53% over the original contract amount - **DISTRICT F - ELLIS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0892 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$195,718.78 and acceptance of work on contract with **PELTIER BROTHERS CONSTRUCTION, INC** for McCarty #1 Lift Station Rehabilitation, GFS R-0267-24-3 (4275-12) - 01.50% under the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0893 ADOPTED.
16. RECOMMENDATION from Director Department Public Works & Engineering for approval of final contract amount of \$664,852.61 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Construction of Julia, Liberty, Starkey and Wylie Relief Sewers in the Northside II Service Area, GFS R-2011-11-3 (4741) - 00.23% under the original contract amount **DISTRICTS B - GALLOWAY and H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0894 ADOPTED.
17. RECOMMENDATION from Director Department Public Works & Engineering for approval of final contract amount of \$1,442,473.36 and acceptance of work on contract with **C & C SERVICES, INC** for Construction of Waterline Replacement in Bayou Oaks Subdivision, GFS S-0035-BA-3 (10490) - 09.33% under the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0895 ADOPTED.
18. RECOMMENDATION from Director Department Public Works & Engineering for approval of final contract amount of \$1,240,526.30 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Construction of Replacement Water Lines in Scenic Woods Subdivision, GFS S-0035-41-3 (10541) - 06.87% under the original contract amount **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0896 ADOPTED.

PROPERTY - NUMBER 20

20. RECOMMENDATION from Director Department of Public Works & Engineering for

condemnation of Parcel KY1-112, located in the 11000 block of FM 529 (Spencer Road) owned by Renee M. Ransom, for the **SPENCER ROAD WATERLINE PROJECT from Brittmoore to Jersey Village Pump Station**, CIP S-0900-71-2 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0897 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 21 through 25

21. **SIEMENS AIRFIELD SOLUTIONS** for Airfield Lifting, Part II, for Aviation Department \$250,000.00 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0898 ADOPTED.
22. RECOMMENDATION from Director Finance & Administration Department to **INCREASE SPENDING** authority by \$25,000.00 from \$100,000.00 to \$125,000.00 for Test, Evaluation and Repair of Audio/Visual Television Equipment for the Finance & Administration Department, awarded to **PROFESSIONAL AUDIO/VIDEO SERVICE, INC** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0899 ADOPTED.
23. **FWD CORPORATION/SEAGRAVE FIRE APPARATUS DIVISION** for Fire Apparatus, Seagrave for Fire Department - \$78,000.00 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0900 ADOPTED.
25. **C. D. I. EQUIPMENT, LTD, DBA CARRUTH DOGGETT INDUSTRIES** for Equipment, Case Backhoe Replacement Parts Contract for Department of Public Works & Engineering \$100,153.00 - Enterprise and Fleet Management Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0901 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 33 through 70

33. ORDINANCE consenting to the addition of 1,000 acre of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0689 ADOPTED.
34. ORDINANCE consenting to the addition of 59.3244 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0690 ADOPTED.
35. ORDINANCE approving and authorizing Utility Functions and Services Agreement between and among the City of Houston, **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 382** and **1 BLACKHAWK LTD.** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0691 ADOPTED.
44. ORDINANCE approving and authorizing supplemental agreement No. 1 to a lease agreement for Runway 15R Navigational Sites at George Bush Intercontinental Airport/Houston by and between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION - DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0692 ADOPTED.

59. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and the **6300 HASKELL STREET CIVIC ASSOCIATION** for Garbage Collection Services for the respective civic association - 12 Months - \$216.00 - General Fund - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0693 ADOPTED.
60. ORDINANCE approving and authorizing sponsorship agreement between the City and **ELDRIDGE ROAD TOWNHOMES ASSOCIATION** for Garbage Collection Service for the respective civic association - 12 Months - \$720.00 - General Fund - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0694 ADOPTED.
63. ORDINANCE approving and authorizing contract between the City of Houston and **MEDTRONIC PHYSIO-CONTROL CORPORATION** for the purchase of Defibrillator Maintenance Services for Various Departments; providing a maximum contract amount - 5 years - \$1,472,043.00 - General Fund - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0695 ADOPTED.
64. ORDINANCE awarding contract to **QUESCO TURBOMACHINERY SERVICES** for Maintenance, Testing and Repair for Emergency Power Supply Units for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,286,950.00 - General and Enterprise Funds - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0696 ADOPTED.
65. ORDINANCE approving and authorizing an Interlocal Agreement between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY (METRO)** for the Widening and Realignment of and Streetscape Improvements along North MacGregor Street from Fannin to South MacGregor Way; GFS N-0678-01-3 (N-0678-01) - **DISTRICT D- EDWARDS** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0697 ADOPTED.
68. ORDINANCE appropriating \$256,088.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **PEDKO PAVING, INC** for Rehab of the south approach to N. Wayside Bridge over Halls Bayou, GFS N455N-04-3 (SB9005-2); providing funding for engineering testing, and contingencies relating to construction of facilities financed by Street and Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0698 ADOPTED.
69. Omitted
70. ORDINANCE appropriating \$1,178,600.00 out of Water and Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT, INC** for Water Main Replacement in Camden Woods East Subdivision, GFS S-0035-83-3 (WA10669); providing funding for construction management and contingencies relating to construction of facilities financed by Water and Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0699 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval to set Affirmative Action Goal for participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2002 through September 30, 2003, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0902 ADOPTED.
5. CONSIDERATION of alcohol variance for Freebirds World Burrito at 3745 Greenbriar in the Shepherd Plaza Shopping Center - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Mayor Brown stated that he would urge Council Members to vote no on the item, that it would set a very dangerous precedent, that many other people in similar circumstances would come and ask for similar variances.

Council Member Goldberg stated that they worked very hard with Freebirds to set some standards for it, that in fact it was not a bar, it could never be a bar, that the standard was that it must be a restaurant, that less than 40% could come from alcohol sales, that the location had historically been a restaurant and had actually been a bar before, that they were not allowing it to be a bar, that they had also placed some restrictions that he thought were good for the entire City to follow, that there were some exceptions like this, that the only live music was a solo or duet group, there was no dancing, that they had worked hard to set standards in this that he thought Council could be proud for if there were other circumstances to be determined to be similar to it, that the other thing that they looked at was that he thought it gave some influence by the District Council Members that when somebody wanted to come for a variance the Council Member could work with them and work out a plan similar to this that would benefit the whole community, they would get sales tax and property tax from it, if it had been an area that had never had alcohol in it before he would reconsider, but they had it and there was no one in the community that was objecting to it.

After further discussion a roll call vote was called on Item No. 5.

ROLL CALL

Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson no
Council Member Keller voting aye	MOTION 2002-0903 ADOPTED.

6. RECOMMENDATION from Director of Library Department for approval of Change Order No. 4 in the amount of \$49,199.18 on contract with **JOHNSON CONTROLS, INC** for Energy Management and Maintenance Contract - **DISTRICT A - TATRO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0904 ADOPTED.

ACCEPT WORK

8. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$2,683,060.94 and acceptance of work on contract with **THYSSEN STEARNS, INC** for Passenger Loading Bridges Phase 2 at George Bush Intercontinental Airport/Houston (IAH), Project 551A, CIP A-0318 - 11.94% under the original contract

amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Robinson, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0905 ADOPTED.

9. ORDINANCE appropriating \$92,207.24 out of Houston Airport System Subordinate Lien Revenue Bonds, Series 1998B (AMT) Construction Fund, as an additional appropriation for Reconstruction of Aprons South of Terminals A & B at George Bush Intercontinental Airport/Houston, Project No. 539A; CIP A-0359 under construction contract with **CHAMPAGNE-WEBBER, INC, TEXAS** (approved by Ordinance 99-401 - **DISTRICT B - GALLOWAY**) - was presented.

Council Member Sekula-Gibbs stated that she would like the Airport administration to speak with her, that she was not going to tag the item, but would like to have some further discussion on it, and Mayor Brown stated they would have someone visit with her.

A vote was called on Item No. 9. All voting aye. Nays none. ORDINANCE 2002-0700 ADOPTED.

- 9a. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$9,100,000.02 and acceptance of work on contract with **CHAMPAGNE-WEBBER, INC, TEXAS** for Reconstruction of Aprons South of Terminals A & B at George Bush Intercontinental Airport/Houston (IAH) Project No. 539A, CIP A-0359 - 06.07% over the original contract amount **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0906 ADOPTED.
10. RECOMMENDATION from Director Department Public Works & Engineering for approval of final contract amount of \$309,378.31 and acceptance of work on contract with **JRC CONSTRUCTION, INC** for Construction of Lakeview Relief Storm Sewer - Phase I, GFS M-0231-02-3 (M-0231-02) 10.50% under the original contract amount - **DISTRICT G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0907 ADOPTED.
19. RECOMMENDATION from Director Department Public Works & Engineering for approval of final contract amount of \$1,313,463.50 and acceptance of work on contract with **C & C SERVICES** for Construction of Water Main Replacement at Various Locations, GFS S-0700-06-3 (10504-1) 07.99% under the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0908 ADOPTED.

PURCHASING AND TABULATION OF BIDS

24. **AMEND MOTION #2000-1217, 10/4/00, TO EXTEND** expiration date from October 4, 2002 to January 3, 2003, for Traffic Signal Controllers for Department of Public Works & Engineering, awarded to **TEXAS HIGHWAY PRODUCTS CORPORATION** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0909 ADOPTED.

RESOLUTIONS AND ORDINANCES

26. RESOLUTION approving the action of the City of Houston Industrial Development Corporation for its Air Cargo Revenue Bonds (Perot Development Houston LP Project) Series 2002 - was presented, and tagged by Council Member Tatro. (Note: Council Member Tatro released his tag later in the meeting.)

29. ORDINANCE authorizing publication of notice of intent to issue City of Houston, Texas Tax and Revenue Certificates of Obligation, Series 2002A; approving and authorizing distribution of the Preliminary Official Statement and Official Notice of Sale related to such certificates; authorizing the Finance Working Group to proceed with all matters related to the issuance and sale of such certificates; approving or declaring other matters incidental to the issuance and sale of such certificates; making various findings and provisions related thereto and declaring an emergency - was presented, and tagged by Council Member Tatro.
31. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by amending **SECTION 44-5** concerning matters relating to the exemption of certain historic sites from ad valorem taxation; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause; providing a repealer - was presented, and tagged by Council Members Tatro and Alvarado.
32. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of Winton Street, Alice Street, and Idaho Street, Street rights of way containing an aggregate of 31,146 square feet of land, more or less, being located in the Louis Gladitch Survey, A-304, Harris County, Texas; vacating and abandoning said tracts of land to Lilly Grove Missionary Baptist Church, the abutting owner, in consideration of owners' payment of \$32,443.00 and other consideration to the City - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Edwards.
36. ORDINANCE assigning territories recently annexed for limited purposes to adjacent districts from which district council members are elected until such time as district boundaries may be changed pursuant to the Houston City Charter - **DISTRICTS A - TATRO; B - GALLOWAY; E - WISEMAN and G - KELLER** - was presented. All voting aye. Nays none. ORDINANCE 2002-0701 ADOPTED.
37. ORDINANCE establishing the North and South Sides of the 800 and 900 blocks of Ridge Street and the South Side of the 900 block of Teetshorn Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2002-0702 ADOPTED.
38. ORDINANCE establishing the East and West Sides of the 600 and 700 blocks of Cortlandt Street, within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2002-0703 ADOPTED.
39. ORDINANCE establishing the South Sides of the 2000 and 2100 blocks of MacArthur Drive within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - GOLDBERG** - was presented, and tagged by Council Member Goldberg.
40. ORDINANCE establishing the East Side of the 3000 and 3100 blocks of Norhill Boulevard, the south Side of the 1000 block of Woodland Street, and the North Side of the 1000 block of Euclid Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2002-0704 ADOPTED.
43. ORDINANCE approving the conveyance to **RELIANT ENERGY, INCORPORATED** of an easement for Natural Gas Transmission and Distribution Facilities for service to Hobby Airport upon a parcel or tract of land out of the Henry B. Prentiss League, A-56 -

DISTRICT I - ALVARADO - was presented. All voting aye. Nays none. Council Member Sekula-Gibbs absent. ORDINANCE 2002-0705 ADOPTED.

45. ORDINANCE amending Ordinance No. 99-487, passed May 19, 1999, which approved and authorized the submission of the 1999 Consolidated Plan and the Grant Application for the Housing Opportunities for Persons With AIDS ("HOPWA") Program, among others, to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** ("HUD") under the authority of the AIDS Housing Opportunities Act, as amended by the Housing and Community Development Act of 1992 - was presented, and tagged by Council Member Goldberg, Parker and Sekula-Gibbs.

Council Member Parker asked if there was some mechanism for deciding which left over funds went where, that they had done it before and she asked for information, that it seemed to turn into a slush fund, that she wanted to see the plan behind it, and Mayor Brown stated that Mr. Haines would get together with her on it.

46. ORDINANCE amending Ordinance No. 2000-395, passed May 17, 2000, which approved and authorized the submission of the 2000 Consolidated Plan and the Grant Application for the Housing Opportunities for Persons With AIDS ("HOPWA") Program, among others, to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** ("HUD") under the authority of the AIDS Housing Opportunities Act, as amended by the Housing and Community Development Act of 1992 - was presented. All voting aye. Nays none. ORDINANCE 2002-0706 ADOPTED.
47. ORDINANCE approving and authorizing contract between the City of Houston and **A CARING SAFE PLACE, INC** providing up to \$320,000.00 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the administration of a long term residential Housing and Supportive Services Program and Operation of a Community Residence, which sum includes a limitation of additional funding in the amount of \$160,000.00 - **DISTRICT B - GALLOWAY** - was presented, and tagged by Council Member Goldberg. (Note: Council Member Goldberg released his tag later in the meeting.)
48. ORDINANCE approving and authorizing an application to the **U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA)**, to fund the 2001 Local Law Enforcement Block Grants Program; declaring the city's eligibility for such grant; authorizing the Mayor 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. All voting aye. Nays none. ORDINANCE 2002-0707 ADOPTED.
49. ORDINANCE approving and authorizing contract between the City of Houston and **CROSS CULTURAL COMMUNICATION CENTER** for Spanish and Vietnamese Language, Cultural, and Interaction Program pertaining to Law Enforcement for the Houston Police Department; providing a maximum contract amount - \$360,000.00 - General Fund - 3 years with two 1-year options - was presented. All voting aye. Nays none. ORDINANCE 2002-0708 ADOPTED.
51. ORDINANCE accepting \$501,006.00 from the Texas Natural Resource Conservation Commission and approving and authorizing two professional services contracts between the City of Houston and the following contractors (1) **CLEANAIR SYSTEMS, INC** and (2) **EXTENGINE TRANSPORT SYSTEMS, LLC** relating to the Houston Diesel Emissions Technology Field Demonstration Project - \$85,500.00 - Enterprise Fund - was presented, and tagged by Council Members Tatro and Wiseman.

Council Member Sekula-Gibbs moved to suspend the rules to hear from Dr. Berger, seconded by Council Member Parker. All voting aye. Nays none. MOTION 2002-0910 ADOPTED.

Council Member Sekula-Gibbs stated that she had asked Dr. Berger to join them so she could share with them some of the information about clean diesel and low sulphur diesel and what the City was doing to support clean air on this front.

Dr. Berger stated that the City had actually found that the work they had done in the reduction of nox and particulates through their diesel demonstration project was at this point leading nationwide, that the EPA and the State of Texas had been very supportive and the reason they had the agenda item today was to continue their work, they were extremely lucky and were funded through the first round of the Senate Bill 5 Texas Emission Reduction Program Grant Awards in the amount of just over a half million dollars to continue their work and in fact to implement in the City of Houston retrofit systems that would allow them to be running clean equipment. Council Members Galloway, Goldberg and Quan absent.

Upon questions by Council Member Vasquez, Dr. Berger stated that they worked virtually hand in glove with every other stake holder within the region as well as the regulatory bodies at the State and federal level and worked very closely through and with the COG, other entities had taken on other responsibilities to address what was in fact a very daunting challenge even with all of them working, that the remarkable aspect about this particular set of retrofits was in fact the City was receiving grant funds to do it, so it was kind of a benefit from the fact that they had stepped up under the administrations leadership to position themselves as a leader. Council Members Galloway, Goldberg and Quan absent.

Council Member Vasquez asked Mr. Haines if basically it was coming out of Enterprise Funds and Mr. Haines stated that was the proposal they had and he was prepared to address that, that briefly stated their initiative had been with the Water and Sewer fleet, that had been 100% of their effort and specifically pertaining to Item 52 it allowed them to take that Water and Sewer fleet into what they were required to do and if there was some involvement on the part of other funds, that was, they were going to have to test other diesel vehicles going forward, they would be billed back, and Council Member Vasquez asked what other governmental entities in the region were helping them bear the cost or was he suggesting that this was the City's share of the overall load, and Mr. Haines stated that what he was suggesting that they were facing an up to \$60 million price tag for \$3.7 million they had a collaborative relationship with the University of Houston, Rice and TSU, the City buys the equipment at \$3.8 million and they could test all of their vehicles for nothing, and Council Member Vasquez stated that he understood, but again his question was what other governmental entities were helping them pay for it, and Mr. Haines stated that the charge back was going to come from either grant funds, such as what they were receiving, or out of a charge back to the agencies as they had to comply as well, that every public entity was going to have to go through the same exercise that the City was and they were just taking the lead on it. Council Members Galloway, Goldberg and Quan absent.

Upon questions by Council Member Robinson, Mr. Haines stated that the charge back actually would go to the consortium, to the University of Houston, the City was getting cost free inspection, validation and the emission testing work done, they were paying only for the equipment, the equipment they would have to buy anyway for themselves, that they must have independent testing, they could not do the testing themselves, they had to go to somebody else to do it, that they could not, as a City, run a testing facility, that they were buying the equipment because there was no equipment in Houston, none, that they absolutely had to have their equipment tested under the State plan, that the State tells them that they had to have their equipment tested and how they get it tested they did not care as long as it was independent, that there was one testing lab in San Antonio, one in Canada and a third in West Virginia, that was all there was, that if they send their stuff to San Antonio it would cost over \$4,000 per piece of equipment, it was too expensive, that they could do this at a fraction of the cost, that he did not

know if Metro, the County or the Port was mandated to have their equipment tested, that Dr. Berger had to answer that question, but he understood that they were being mandated. Council Members Vasquez, Alvarado and Quan absent.

Dr. Berger stated that all of the same type of on road equipment, regardless of who owned it was mandated to be tested. Council Members Vasquez, Alvarado and Quan absent.

Council Member Robinson asked if the City bought the equipment and the other folks had to have their stuff tested were they going to charge them a fee to recoup the \$3.7 million, and Mr. Haines stated that they would get their money back every time they would take a piece of equipment in there to get it inspected because for 5 years it would cost them nothing, that they would not have to pay \$4,000 per unit, that was the cost effectiveness of it, that he would be happy to meet with Council Member Robinson to explain it to him. Council Members Vasquez, Alvarado and Quan absent.

Council Member Tatro stated that he wanted to tag Item No. 51, that while he thought it may be a good idea, he thought the implementation was kind of cowboy, that Council Members Robinson and Vasquez brought up the fact that Metro, the Port and the County would all be needing the data and for the City to go out and take sole responsibility at setting up a venture, while the venture may actually be a good place to do it, the University of Houston, and their water payers pay the entire fee, he just saw a mishmash of planning, they were not asking Metro, the Port or the County to participate, they were out completely on their own, that he would like in writing why Metro, the Port and the County were not moving into the scenario with the City, they would have the same mandates, that when were they going to start doing some regional work and why was the HGAC maybe helping them to lead the effort, why were they out as a cowboy on it alone, he thought the venture was needed but he did not like to see the water and sewer rate payers have to pick up the tab, because he believed that was the only pot of money left out there to the administration, why was the whole fund being taken out of water and sewer money, clearly the Solid Waste and Public Works trucks were going to be utilizing it, that he wanted to know in writing why the water and sewer rate payers had to pick up the tab for it and then they had Item No. 51 and Item No. 52 on the agenda, that he would like to know what were their total cost estimates for the project, and asked Dr. Berger if they had actually seen a outline of the total costs for the venture as it was now planned, and Dr. Berger stated that she was certain they could provide that to him, that in terms of the grant items, those were total costs, and Council Member Tatro stated that he would like to know how much money they did plan to use, and Council Member Tatro stated that he would like to tag Item No. 51 and Council Member Wiseman stated that she wanted to add her tag also. Council Members Keller, Vasquez and Quan absent.

52. ORDINANCE appropriating \$100,000.00 out of Water & Sewer System Consolidated Construction Fund and authorizing professional services contract between the City of Houston and the **UNIVERSITY OF HOUSTON** for University Research Projects - \$3,789,726.00 Enterprise Fund - was presented, and tagged by Council Members Wiseman, Tatro and Robinson.

Council Member Edwards asked Dr. Berger if the County and all others were under the same mandate that they were and Dr. Berger stated yes, that the entire 8 County region was under the same mandate, that they would be required to have all of their same equipment tested as the City was required to, that she could not speak as to what their plan was because they had moved forward in other areas and continued to work with the City she would expect that eventually they would test through this program, and Council Member Edwards stated that she would like to encourage them to see how they could recoup some of their initial capital outlay, and Mr. Haines stated that they would provide them with a full blown explanation of how that recovery program would work. Council Members Keller and Vasquez absent.

After further discussion, Mr. Haines stated that the estimate on their fleet, if they applied a

\$4,000 emissions inspection fee, would be approximately \$66 million, that it had to be an advance inspection and then one a year after that, that on the Water and Sewer fleet alone, which was well ahead of the other elements of the other City's fleet, on that fleet alone by going to the \$4,000 inspection program, emissions inspection would be \$18 million, so again their position was that it made a lot of sense. Council Members Ellis, Keller and Vasquez absent.

55. ORDINANCE approving and authorizing agreement between the City of Houston, the **UPPER KIRBY REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER NINETEEN, CITY OF HOUSTON, TEXAS (UPPER KIRBY ZONE)** in connection with the City's Reinvestment Zone Number Nineteen - **DISTRICTS C - GOLDBERG and G - KELLER** - was presented. All voting aye. Nays none. Council Members Ellis, Keller and Vasquez absent. ORDINANCE 2002-0709 ADOPTED.
56. ORDINANCE approving and authorizing Occupancy Agreement between the **RIVER PERFORMING AND VISUAL ARTS CENTER**, as occupant, and the City of Houston, Texas, as owner, for space in the Metropolitan Multi-Service Center - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Ellis, Keller and Vasquez absent. ORDINANCE 2002-0710 ADOPTED.
57. ORDINANCE appropriating \$67,723.40 out of Homeless and Housing Consolidated Bond Fund and approving and authorizing agreement between the City of Houston and **GUIDING LIGHT COMMUNITY DEVELOPMENT CORPORATION** to provide a grant for the acquisition of four (4) Residential Lots to be developed as single-family affordable housing - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Ellis, Keller and Vasquez absent. ORDINANCE 2002-0711 ADOPTED.
61. ORDINANCE appropriating \$209,360.94 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of the Homeless and Housing Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **S.S.M., L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve West Orem Place, Section One, CIP S-0800-67-03 and R-0800-67-03 - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Edwards. Council Members Ellis, Keller and Vasquez absent.
62. ORDINANCE awarding contract to **DATACOMM BUSINESS SYSTEMS, L.L.C.** for Communications Technician Services for Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,391,625.00 - General and Central Service Revolving Funds - was presented, and tagged by Council Member Tatro. Council Members Keller and Vasquez absent.

Council Member Tatro stated that he would like to have somebody speak to him about it, and Mayor Brown stated they would have someone visit with him on it.

66. ORDINANCE appropriating \$2,954,620.00 out of Convention & Entertainment Construction Fund; approving and authorizing contract between the City of Houston and **CERTIFIED/LVI ENVIRONMENTAL SYSTEMS, INC** for Asbestos Abatement and Disposal at Jesse Jones Hall – Attic, CIP B-0038-03-5, and providing funding for construction management and contingencies relating to construction of facilities financed by the Convention & Entertainment Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Keller and Vasquez absent. ORDINANCE 2002-0712 ADOPTED.
67. ORDINANCE appropriating \$178,841.45 out of Public Library Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **mARCHITECTS, LLC** for Design and Construction Phase

Services in connection with the Americans with Disabilities Act Renovations for Looscan Branch Library and eLibrary Prototype Design Services; GFS E-0058-01-2; providing funding for project management and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund - **DISTRICT G - KELLER** - was presented. All voting aye. Nays none. Council Members Keller and Vasquez absent. ORDINANCE 2002-0713 ADOPTED.

Council Member Goldberg stated that he wanted to remove his tag on Item No. 47, Mayor Pro Tem Quan stated that Council Member Goldberg removed his tag on Item No. 47 and they would consider it at the end of the Agenda. Mayor Brown, Council Members Keller and Vasquez absent.

NON CONSENT AGENDA - NUMBER 71

PROPERTY

Council Member Alvarado moved to suspend the rules to reconsider Motion 2002-0553 at this time, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. MOTION 2002-0911 ADOPTED.

Council Member Alvarado moved that Motion 2002-0553 be brought back for reconsideration, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. MOTION 2002-0912 ADOPTED.

71. RECOMMENDATION from Director Department of Public Works & Engineering **TO AMEND MOTION #2002-553, 5/15/02**, which authorized abandonment and sale of two 10-foot-wide easements, four 5-foot-wide aerial easements, and a prescriptive sanitary sewer easement in exchange for the conveyance to the City of a 20-foot-wide storm sewer easement, a 10-foot-wide water line easement, seven 10-foot by 10-foot fire hydrant easements, a 10-foot by 48-foot water meter easement, and a 10-foot by 44-foot water meter easement, all located within Plum Creek Village Subdivision, Parcels SY1-033A through G, LY1-010 and KY1-023A through J, **TO APPOINT (2) Independent Appraisers - APPRAISERS - REQUIRES THREE MOTIONS DISTRICT I – ALVARADO** – was presented. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado named Mr. Michael Copeland and Mr. Ron Letter as appraisers and moved the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. MOTION 2002-0913 ADOPTED.

MATTERS HELD - NUMBERS 72 through 78

72. **STAR AUTOMOTIVE WAREHOUSE** for Automotive, Associated Replacement Parts Contract for Various Departments - \$7,428,821.00 - General, Enterprise and Fleet Management Funds - (**This was Item 12 on Agenda of July 17, 2002, TAGGED BY COUNCIL MEMBER WISEMAN**) - was presented, moved by Council Member Tatro, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. MOTION 2002-0914 ADOPTED.
73. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide utility easement, containing 1,979 square feet

of land, more or less, Parcel SY2-018A and two portions of the Mt. Pleasant Street street right of way, Parcels SY2-018B and SY2-022, containing 4,505 and 11,745 square feet of land, more or less, respectively, all three parcels being located in the Louis Gladitch Survey, A-304, Houston, Harris County, Texas; vacating and abandoning (i) Parcels SY2-018A and SY2-018B to Scott Street Limited Partnership, abutting owner and (ii) Parcel SY2-022 to Missionary Village Apartments Company, abutting owner, in consideration of the owners' dedication of two easements for street right of way purposes, two easements for waterline purposes and an easement for utility purposes containing an aggregate of 12,267 square feet of land, more or less, and payment of \$5,996.00 and other consideration to the City - **(This was Item 14 on Agenda of July 17, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0714 ADOPTED.

74. ORDINANCE consenting to the addition of 57.072 acres of land to **SPRING CREEK UTILITY DISTRICT**, for inclusion in its district - **(This was Item No. 15 on Agenda of July 17, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0715 ADOPTED.
75. ORDINANCE appropriating \$609,606.00 out of Street & Bridge Consolidated Construction Fund for City's cost participation in the construction of Bikeways for Medical Center/Greenway, Plaza/Galleria Bikeway Phase 2, Harrisburg/Sunset Rails to Trails Phase 2 and Central Business District Access On-Street Bikeways Phase 2 under agreement with **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** (approved by Ordinance No 95-1290), CIP N-0420-4A-3 (N-0420-4A-3); providing funding for contingencies relating to construction of facilities financed by Street and Bridge Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; F - ELLIS; G - KELLER; H - VASQUEZ and I - ALVARADO** - **(This was Item No. 22 on Agenda of July 17, 2002, TAGGED BY COUNCIL MEMBER TATRO)** - was presented. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg moved to postpone Item No. 75 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. MOTION 2002-0915 ADOPTED.

77. ORDINANCE appropriating \$320,000.00 out of Fire Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER AND LINVILLE, INC** for Design and Construction Phase Services for new Fire Station No. 24, GFS C-0051-01-2; providing funding for the Civic Art Program, Environmental Site Assessment and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT D - EDWARDS** - **(This was Item No. 26 on Agenda of July 17, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0716 ADOPTED.
78. ORDINANCE appropriating \$211,202.71 out of General Improvement Consolidated Construction Fund, awarding construction contract to **JERDON ENTERPRISE, L.P.** and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, A Division of TERRACON, INC** for construction of Shady Grove Plaza, GFS D-0100-10-3 - **DISTRICT H - VASQUEZ** - **(This was Item 32 on Agenda of July 17, 2002, TAGGED BY COUNCIL MEMBER PARKER)** - was presented. All voting aye. Nays none. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0717 ADOPTED

47. ORDINANCE approving and authorizing contract between the City of Houston and **A CARING SAFE PLACE, INC** providing up to \$320,000.00 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the administration of a long term residential Housing and Supportive Services Program and Operation of a Community Residence, which sum includes a limitation of additional funding in the amount of \$160,000.00 - **DISTRICT B - GALLOWAY** - was again before Council. All voting aye. Nays none. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0718 ADOPTED

Items received during the meeting were considered as follows:

The City Secretary stated that Item No. 50 had been listed on the Agenda with four companies, the first company had withdrawn so there were only three companies, the Engelhard Corporation, the Extengine Transport Systems and Environment Canada. Mayor Brown, Council Members Keller and Vasquez absent. Mayor Pro Tem Quan presiding.

50. ORDINANCE approving and authorizing four professional services contracts between the City of Houston and the following contractors (1) **JOHNSON-MATTHEY, INC**, (2) **ENGELHARD CORPORATION**, (3) **EXTENGINE TRANSPORT SYSTEMS, LLC** and (4) **ENVIRONMENT CANADA** relating to the Houston Diesel Emissions Technology Field Demonstration Project - was presented, and tagged by Council Members Wiseman, Tatros and Robinson. Mayor Brown, Council Members Goldberg, Keller and Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that she wanted to release her tag on Item No. 26. Mayor Brown, Council Members Goldberg, Keller and Vasquez absent. Mayor Pro Tem Quan presiding.

26. RESOLUTION approving the action of the City of Houston Industrial Development Corporation for its Air Cargo Revenue Bonds (Perot Development Houston LP Project) Series 2002 - was again before Council. Mayor Brown, Council Members Goldberg, Keller and Vasquez absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that they referred the item back to the administration a couple of weeks ago and evidently the applicant decided to make some changes to the trustee to avoid a delay by a Council Member and she just wanted to say that before they jumped through too many hoops to avoid a delay by one Council Member that they ought to remember that there were 13 other Council Members who may not agree with the action they take and other Council Members could also delay the item and she was real tired of the bank one games. Mayor Brown, Council Members Goldberg, Keller and Vasquez absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 26. All voting aye. Nays none. Council Members Goldberg, Keller and Vasquez absent. RESOLUTION 2002-0025 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Alvarado stated that she had a staff member of hers ride along with a member from HPD South Central Patrol around the Greyhound Bus Station, that they talked about this before, she had a budget amendment that addressed the issue of additional patrolling in that area and in just a matter of minutes, after they started the patrol, right on the open street, within just a few blocks of the bus station, there was a very aggressive criminal behavior, everything from prostitution to drug dealing, again right on the open street and just blocks away from the bus station, that one thing that was happening was that everyday there was a bus that

left Huntsville, chartered from TDC, and it brought parolees to Houston, that once the parolees arrived in Houston they were dumped there and left on their own, that they had 24 hours to report to their parole office but they knew they had 5 days before a warrant was issued so they hung out in the vicinity of the bus station, because that was the only place they knew they had 4 or 5 days to do that, that she was asking that the administration support her effort to create a task force to deal with the problems at the bus station, that between Downtown Management District, Midtown, the area businesses, HPD, TDC, Greyhound, 2016 Main St. and of course the Mayor's office along with a representative of her office, that she also thought it would be a good idea to have a representative from Pardons and Paroles at the Greyhound Station to assist the parolees as they get off the bus, that she thought the problem was so severe at the location that it warranted that. Council Members Goldberg, Keller and Vasquez absent.

Council Member Alvarado stated that not to far from the bus station there was an issue underneath Pierce Elevated, that there was a lot of trespassing and a lot of maintenance issues that needed to be addressed, that there was an agreement which went back to 1968 and she was going to ask the Legal Department if the agreement was still in place or if there was one that superseded it that says that the City of Houston would maintain the property under Pierce Elevated, meaning that they would pickup the trash and keep it clean in exchange for the parking meter revenues underneath the Pierce Elevated, that she did not think the agreement was being enforced right now. Council Members Goldberg, Keller and Vasquez absent.

Council Member Alvarado stated that she would like to get an update on where they were with the crime lab repairs and also an update from HR regarding the staffing issues. Council Members Goldberg, Keller and Vasquez absent.

Mayor Brown stated that they would take care of it for her. Council Members Goldberg, Keller and Vasquez absent.

Council Member Berry stated that he went over to the Greyhound Bus Station and what Council Member Alvarado had just detailed was true and would argue that it was a citywide issue. Council Members Goldberg, Keller and Vasquez absent.

Council Member Galloway stated that the word was on the street that Metro was going to purchase the Greyhound Bus Station for a rail park, that was word on the street and she did not know how true that was. Council Members Goldberg, Keller and Vasquez absent.

Council Member Robinson stated that he wanted to thank Council Member Keller for chairing the TTI committee for him and moved a number of items for him.

Council Member Robinson stated that he wanted to thank Mr. Haines for his work on the pedestrian safety information and hopefully they would have a draft product out to Council in advance of their August meeting for their review and discussion at that meeting. Council Members Goldberg, Keller and Vasquez absent.

Council Member Robinson stated that on the Clean Air issue, the Chronicle had a story about two Sundays ago and pointed out that off road construction equipment was about 35% of the issue and he had talked about it several years ago, that if they were really going to create a market for clean fuel then they had to help be a part of the infrastructure and he thought doing that was not only depending on Senate Bill 5 but thought the City ought to have a provision in their construction contract that they give preferential treatment to those people who burn clean fuel and if they were going to take the lead and spend almost \$4 million of the taxpayers money then they ought to be willing to step up to the plate and not wait for any other government jurisdiction to do that so they had an additional incentive, they also ought to use their tax exempt status as a City that when they contract with folks they extend to fuel purchase their tax exempt status if they wanted to really encourage the use of clean fuel in the area and be a leader on the issue, he thought those were the next two things they ought to do on the clean air issue and

thought they ought to be bold enough to do it. Council Members Goldberg, Keller, Vasquez and Parker absent.

Council Member Robinson stated that he received a letter from President DeLibrio inviting Council Members to tour the Driver Safety Program, that he got the invitation because he said he thought there was a need to revisit the issue of Metro bus driver safety training. Council Members Galloway, Goldberg, Keller and Vasquez absent.

Council Member Edwards stated that she wanted to congratulate the Building Services Administration on the wonderful awards program they had last week and Ms. McGilbra on her leadership. Council Members Galloway, Goldberg, Keller and Vasquez absent.

Council Member Edwards stated that she wanted to thank the Planning Department and Neighborhood Protection, that they had been having a similar type issue as the Greyhound Bus area in Sunnyside and they had been working with the Planning Department and Mr. Haines and were in the process of putting it together, the sweep, and she wanted to thank the Planning Department for coming in and Neighborhood Protection for stepping up to the plate and offering assistance to move that issue. Council Members Galloway, Goldberg, Keller and Vasquez absent.

Council Member Edwards stated that in regards to the Greyhound situation she would like to be a part of that, that they had talked about it earlier and was glad to see other folks working with it now, that Captain Aguirre had helped them a lot in the area of the Consulate General's Office of Mexico, the same things were happening and he stepped up to the plate and really cleaned it up. Council Members Galloway, Goldberg, Wiseman, Keller and Vasquez absent.

Council Member Edwards stated that in regards to the HIV task force they were moving forward and had put together their teams and committees that were putting this thing on the ground and BET heard about their efforts and were including them in the tapings they were doing at the Wortham Center and they were anticipating having access to close to 10,000 people to talk about the issue and those 10,000 people were pretty representative of the demographics that were expressed in the state of emergency, so she wanted to thank BET for allowing them to dovetail onto their programming, and thanks to Mayor Brown and Dr. Kendrick and the Health Department for stepping up to the plate and listening to the complaints and the concerns and saying that they heard them and see if they could develop a go forward strategy. Council Members Galloway, Goldberg, Wiseman, Keller and Vasquez absent.

Mayor Brown stated that he wanted to thank her for her leadership. Council Members Galloway, Goldberg, Wiseman, Keller and Vasquez absent.

Council Member Quan moved to stay in session past the noon hour to complete the meeting, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Goldberg, Keller and Vasquez absent. MOTION 2002-0916 ADOPTED.

Council Member Tatro stated that he received emails and phone calls from employees of the City about the City's Health Care Plan and if it would fall under Council Member Quan committee or maybe Fiscal Affairs, he would request that Council get an update not only from the HR Department, the administration, about the status of the program, but maybe from HMO Blue itself, because it appeared that what HMO Blue was doing was that they were changing the method that they were doing business underneath or conjunction with the City's contract, so what they had in place was changing because HMO Blue was altering either their co-payment, the timing of their payment and something to do with their network and they were seeing providers dropout which was causing a problem, that they received a letter from Methodist Hospital and they made a statement that they would not be participating in HMO Blue because HMO Blue was putting some criteria or constraints on their being able to refer within the Methodist system, so that was possibly another hospital dropping out, that they received a letter

from the University of Texas saying that they would be dropping out of HMO Blue for participants at the UT system who were using HMO Blue, so obviously some undertow with the way business was being conducted and as a result what they signed on was changing so he thought it would be healthy to get an understanding of it, whether it was indicative of the HMO system in general or whether it was indicative of HMO Blue and their alterations to their plan. Council Members Galloway, Goldberg, Keller, Vasquez, Alvarado and Parker absent.

Council Member Quan stated that he would follow up on it but thought it was probably Fiscal Affairs and Council Member Parker, but they would certainly work on it. Council Members Galloway, Goldberg, Keller, Vasquez, Alvarado and Parker absent.

Council Member Quan stated that they had scheduled a meeting of the Ethics Committee for next Tuesday morning at 9:30 a.m., that Council Member Robinson raised an interesting issue regarding the use of funds collected for various races as to their transferability and what was proper and improper, that there was also an item that the administration was bringing forward regarding blackout periods for persons who served on nonprofit boards, so those were on the agenda for next Tuesday morning. Council Members Galloway, Goldberg, Edwards, Keller, Vasquez, Alvarado and Parker absent.

Council Member Quan stated that he wanted to invite all Council Members to their open house for the Pro Tem's office, that as they knew they had a new conference room that had been built out and would like for people to take advantage of that, that there was a break room for staff and many of them had probably partaken of their new coffee and tea service that they had, they would like their feedback on it, that they wanted people who came to City Council to feel welcome. Council Members Galloway, Goldberg, Edwards, Keller, Vasquez, Alvarado and Parker absent.

Council Member Quan stated that the Consolidated Municipal Campaign would be starting again and Council Member Keller had agreed to co-chair the Council portion with them, that last year they were woefully short on their contributions to the campaign, they were looking at different programs to enhance involvement this year and so they asked for their active participation. Council Members Galloway, Goldberg, Edwards, Keller, Vasquez, Alvarado and Parker absent.

Council Member Quan stated that he would like to thank Mr. Hoyt Brown and Ms. Sally Bradford from the Airport administration, they had the Double Wicked Cricket matches in Houston a couple of weeks ago and all of the equipment got held up at the airport on Thursday night with the matches to begin on Friday and they worked very hard overnight to get the equipment released so the tournament could go on. Council Members Galloway, Goldberg, Edwards, Keller, Vasquez, Alvarado and Parker absent.

Council Member Sekula-Gibbs stated that she would like to thank Mr. Eric Dargin and Mr. George Brevenec and Mr. Gary Hutchison in the Public Works Department particularly concerning the Meadow Link Subdivision, they seemed to be taking a strong interest in improving the ditches that had been blocked in that area and causing serious flooding problems, she would just encourage anybody from Meadow Link who might be listening to the meeting to get back with her if the problem should recur, they also indicated that the Harris County Flood Control was working on building three inline detention basins in the area and that should provide them with significant relief, that they mentioned that TXDOT was in charge of cleaning the sloped bared grates that were along Parker Road and Interstate 45. Council Members Galloway, Goldberg, Edwards, Keller, Vasquez, Alvarado and Parker absent.

Council Member Sekula-Gibbs stated that regarding clean air she would invite all of them to come on Tuesday to the Council Chambers for the TNRCC's meeting on the SIP, the State Implementation Plan, that she knew some of them had a strong interest in clean air, that they were going to be discussing changes in the SIP and discussing getting rid of the 55 mph speed

limit and going back to 70 mph. Council Members Galloway, Goldberg, Edwards, Keller, Vasquez, Alvarado, Parker and Berry absent.

There being no further business before Council, the City Council adjourned at 12:20 p.m. upon MOTION by Council Member Ellis, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Goldberg, Edwards, Keller, Vasquez, Alvarado, Parker and Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary