

City Council Chamber, City Hall, Tuesday, August 6, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 6, 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. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:01 p.m. Mayor Brown stated they had several Council presentations with his being the first, that on Saturday, August 10, 2002, was being proclaimed Making the Right Choice About Drinking Day and they were encouraging families to talk about the issue about young people drinking, that as most of them knew he was a big believer in family discussions and knew that adolescents truly appreciated the efforts of their folks, to help facilitate that Channel 11, KHOU, would air a 30 minute program and the program was to help families in their discussion, that it would air at 11:30 a.m. and Channel 45, KXLN, would air a Spanish version at 9:00 a.m., that they wanted to salute those two media outlets for their involvement in the very important issue, that again this year Silver Eagle Distributors Annahser Bush had taken a lead role and invited Mr. John Nau, President and CEO of Silver Eagle Distributors to the podium and read a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed, Saturday, August 10, 2002 as Making the Right Choice About Drinking Day in Houston, Texas. Council Members Galloway, Edwards, Vasquez, Alvarado, Sekula-Gibbs and Berry absent.

Mr. Nau stated that he wanted to thank the Mayor and City Council Members for supporting their efforts to prevent under age drinking and promote responsible behavior, that by declaring Saturday, August 10, 2002, Making the Right Choice About Drinking Day they had sent a strong message to all Houston families, that it was an issue that must be discussed in every home, that it needed to be discussed openly and honestly, it was their personal hope that making the right choice about drinking would serve as a resource to help parents and educators to do just that, that he would like to thank their media partners, KHOU Channel 11 and KXLN Univision Channel 45, for their work on the project, they made it possible for both English and Spanish speaking Houstonians to watch the program with their children, that it was a program, that it was a first in the Country, that it was not dubbed, it was produced in Spanish and they had done it two years previously in English and it was the first year for both English and Spanish, that since 1982 drunk driving fatalities in Texas had decreased 56% based on programs of education such as this, they made progress but they had a lot of work to do, that parents, community leaders, such as the City Council and those of them in the alcohol and beverage industry must continue to work together to insure that those positive trends continue, that together they could all make a difference, that he had distributed a copy of both the English and Spanish version to each Council Member. Council Members Galloway, Vasquez, Alvarado and Sekula-Gibbs absent.

Mayor Brown stated that the next presentation would be from Council Member Goldberg. Council Members Galloway, Vasquez, Alvarado and Sekula-Gibbs absent.

Council Member Goldberg stated that the presentation had to do a lot with the City Hall Annex, that Council Member Quan and the Mayor Pro Tem's Office had really done a remarkable job beautifying up the area, the lobby in front, and they thought it needed some extra art work so they made an arrangement with an artist and he brought a lot of his art work for display and had really made the area an even nicer place and a chance for other people to see some of the artwork, that as a matter of fact one of the things that had happened was that the owner of the Lyric Center came and saw the art display and asked if he could have the same kind of artwork

in his lobby so the artwork was going to go on the road and seen in the Lyric Center at some time soon, that he wanted to recognize the artist whose artwork it was that was displayed in the lobby and invited Mr. Ben Tzion to the podium and read a proclamation that proclaimed the Lee P. Brown, Mayor of the City of Houston, hereby proclaimed, Friday, June 28, 2002, as Ben Tzion Day in Houston, Texas. Council Members Galloway, Edwards, Vasquez, Alvarado, Quan and Sekula-Gibbs absent.

Mr. Tzion stated that to the Mayor, the Council Members and Council Member Goldberg that they had really created a mark in the City of Houston and in a few words that he would like to share with the civic service people in the community, he felt very honored as an artist to have the opportunity, not to be in a regular gallery or a museum, but in a living space, that it was unusual for Texas and he thought from that point of view it was like in a one guard state of mind, that the space was there, they just needed the right art and the right artist, that he would like to share something with the Houstonians, the City Council Members and Mayor Brown, that ten years ago, when he came to Houston, his life became a kind of history and what he meant by that was that he was living in the Heights on a street called 22nd West and they all knew he came from Israel and 22nd and West, the West Bank, West Jerusalem and his name was Ben Tzion, that he came out of dream and it was the first time in his life that he decided he was going to take his dream, doodle out, doodle the whole story and ten years had passed in his life, he had been traveling around the world and in America and sharing the wisdom of his artistic expression, to touch, to inspire, to seek for a new to take personal responsibilities, to him this was a true artist and Houston had, and it was not just the rising State of Texas and the star with it, but when they sponsored the artist, artist in his love and compassion could bring the whole world together, on that side he felt very honored to be a part of the proclamation and he wished that they all could bridge with the community while the artist keeps on bridging spiritually to humanity, and lets say Amen and thank you very much. Council Members Vasquez, Quan and Sekula-Gibbs absent.

Council Member Goldberg stated that he wanted to thank Council Member Quan and his office, the Mayor Pro Tem's Office worked in getting the display, that it was much harder than he thought, that he wanted to thank Ms. McGilbra and Building Services for helping with the liability issues and accommodating it, that it took a while but it finally came about and he really appreciated it. Council Members Vasquez, Quan and Sekula-Gibbs absent.

Mayor Brown stated that the next presenter would be Council Member Quan. Council Members Goldberg and Vasquez.

Council Member Quan stated that Mr. Tzion had indicated that he would be working on a special piece of art to be included in the Annex symbolizing the unity of Council Members working together to help build the City of Houston, that at this time he wanted to recognize members of the Plumbing, Electrical and Mechanical Unions who were present to speak to the Council Members, that as Council remembered they voted on the Uniform Code recently and were fortunate to have Mr. Lyndon Ramer, Director of Codes for the Southern Region International Association of Plumbing and Mechanical Officials and invited Mr. Ramer to the podium. Council Members Goldberg and Vasquez.

Mr. Ramer stated that wanted to read a short article that would appear in the International Magazine, that it was a publication that the International Association of Plumbing and Mechanical Officials put out, and read the article regarding Mayor Lee Brown's commitment to chose the codes that best protected the citizens of Houston, that Mayor Brown and his staff recommended their Admiral Uniform Codes, placing the codes on the City Council agenda and on Wednesday, May 15, 2002, the Houston City Council voted to continue to use the Uniform and Uniform Mechanical Codes by voting unanimously to update to the latest 2000 edition. Council Members Goldberg, Vasquez and Berry absent.

Mayor Brown stated that Council Member Quan and the next presentation as well and Council Member Quan stated that he and Council Member Keller were co-chairing the CMC Campaign for Council Members this year, that they had some interesting ideas for what they had planned for this years campaign, and Council Member Keller stated that they were going to have a "Kiss A Pig Contest" and he or she who had the least amount of money in their pig was going to have to kiss a real pig, that they were going to be working on some other fun projects through the campaign with the Mayor's office on trying to take a lead role, set an example and basically raise their efforts as far as how they participated in the Municipal Employees Campaign before, and invited Mr. Lonnie Vara and Ms. Cindy Sax to the podium. Council Members Goldberg, Vasquez and Berry absent.

Mr. Vara stated that last year they raised over \$700,000 and had about 900 City employees who gave 1% of their income to the campaign, that they could see there was tremendous support for the program from City employees, that they had distributed a T-shirt for each Council Member. Council Members Goldberg, Vasquez and Berry absent.

Ms. Sax stated that it was a wonderful program that they were doing because they were helping others and besides that they were having a whole lot of fun doing it, and introduced Ms. Maria Hirshaw, who was the new CMC Director who had just been hired this and was just starting, and displayed a set of pink pigs with each Council Member's name on them, that everything was over at the City Council lobby, that they had a scoreboard which was also in the City Council lobby, that every Wednesday they would get all the figures and get them on the scoreboard, that the contest was starting next Wednesday, that every Council Member could designate, as long as they picked a CMC charity or charities. Council Members Vasquez and Berry absent.

At 2:25 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Tatro led everyone in prayer and invited Eagle Boy Scout Erin Risig to lead everyone in the pledge of allegiance. Council Members Vasquez and Berry absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Vasquez and Berry absent.

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

Council Member Tatro moved to suspend the rules to hear all of the speakers on Main Street Square together, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Vasquez and Berry absent. MOTION 2002-0916 ADOPTED.

Mayor Brown stated that he wanted to recognize some students from the ITT Technical Institute, the Group Dynamics Class, who were present in the audience and asked that they stand and be recognized along with their instructors. Council Members Goldberg, Vasquez and Berry absent.

Mr. Richard Everett, 1980 Post Oak Blvd., Houston, Texas 77056 (713-871-5120) appeared and stated that he was Chairman of the Board and owner of Century Development, that they were the managing partner and controlling owner of 1000 Main Street which happened to front on the proposed central square, that they had been working on the project for four and a half years and were approached several years ago by Central Houston to look at making a major public space, much needed public space, in downtown Houston in front of their building and would they cooperate, that they had done extensive studies on traffic, retail, etc. and thought it

was a great opportunity for Houston, their retail was totally spoken for with one exception and the building had not opened, that they were all very excited about the plaza and though that it was an example of what could be done along the entire corridor to attract other retail and development, they had the largest private investment in downtown Houston, and obviously their partners and all people involved, who had studied it for many years, were strong supporters of the project, they had 100% support of all property owners on the three block area, they had all along or they would not have pursued it, that also he thought they should consider that the primary sponsor was Central Houston and the Downtown Management District, who had in his opinion an exceptional track record, that all the projects, be it baseball, that everyone said would not work, traffic would not work, etc., opened without a hitch, that these people in his opinion were great Houstonians and it was an opportunity to attract future investment to Houston and would suggest that hopefully they would consider that, that there were a few negatives that had surfaced recently, and in their opinion they just felt many times over that the one lane of traffic was insignificant when compared to the loss of that to the tremendous benefit of rail and pedestrian traffic, all the retail experts, including the ones in the audience, had established it and urged their support. Council Members Vasquez and Berry absent.

Upon questions by Council Members, Mr. Everett stated that they had developed Greenway, Allen Center, the 71 story Wells Fargo, the original Enron Building and the Hobby Center, which just opened, that they had done over 30 million square feet in Houston over \$2 billion in attracted equity, primarily all in Houston, that as he mentioned before Houston was seriously in need of public space, there was no public space in the center of downtown, that he thought the square was a showplace and something of significance for Houston, a much needed public space privately paid for and privately funded by people like him, that primarily everything they had done was in Houston, that the similar projects in other cities that had failed were totally different situations, that they had obviously studied their own economics, done their own traffic verifications and done their own retail studies, that CDS Research had done the whole corridor, that it was not his project he was just a supporter, but they had seen plenty of evidence to their satisfaction that it was a good thing to do, that they could not have copies of the studies they had done because none of theirs were public, that he had plenty of competitors, some of which had never invested a dime in Houston, who would love to have some of their information, that he could certainly get with the Council Members privately, that their cash contribution was \$60,000 Reliant had \$100,000, that it was all initial seed money while they raised the rest of the money, that there were two parts, the capitol investments and the ongoing, that as they knew it was a unique situation to be paid for privately and maintained privately, that he had studied urban design his entire life and had been in most of the cities that had similar situations and many had been done wrong and many of them were very successful, that one of their biggest concerns in the due diligence was that they did not trust the City and others to maintain it right, they did not want the problems of poor maintenance, so it had been studied for years on how to make it done right where they could be proud of it could be a showplace, that he believed the management of the area was under Central Houston, that the exact entity he did not know, that all of their retail was presently spoken for and they had a couple of locations potentially for Kiosk's, that they hoped to have several restaurants float out into the plaza. Council Members Galloway and Vasquez absent.

Mr. Bill Curtis, 8019 Leader, Houston, Texas 77036 (713-225-0725) had reserved time to speak, but was not present when his name was called.

Mr. Jan-Thiel Ruhtenberg, 7612 Olympia, Houston, Texas 77063 (713-785-2766) appeared and stated that he was present to oppose the blocking of Main Street in the strongest possible terms, that he was very qualified to talk on the subject because he spent most of his career in connection with traffic for their stores and knowing that the streets that went through Houston, Main Street particularly and many others, were the life blood of business, restaurants and offices

in office buildings, that was the main reason why they were downtown streets, that it had been chaotic the last few years because they knew they were upgrading, but to permanently block Main Street and have a three block promenade was absolutely unacceptable to people who were in business, and continued to voice his personal opinions in opposition to the Main Street Square until his time expired. Council Members Galloway and Vasquez absent.

Upon questions by Council Members, Mr. Ruhtenberg stated that he was an executive at a store in Denver that was a store like Nieman Marcus and was there for many years, that there were three or four other big stores on 16th Street, which was the main shopping street of Denver and at some point and time they decided it would be a good thing to make that street into a promenade so people could walk to the stores and what happened was that every store went out of business or moved off of that center because there was no more traffic for people who wanted to buy anything in that promenade and the offices around there vacated, that he was in Denver a few years back and they were trying to make a condos out of it so people could be on a park, that the trolley car went down what used to be the middle of the street which was now a promenade, that he had lived in the City since 1963, that he had used Main Street in the old days when there were stores there. Mayor Brown and Council Member Galloway absent. Mayor Pro Tem Quan presiding.

Mr. Ed Page, 2700 Post Oak Blvd., Houston, Texas 77056 (713-877-8400) appeared and stated that he was a principal with Boyd and Page a commercial real estate brokerage company and had been associated with retail real estate business in Houston for 30 years, that his company had been very active in bringing restaurants and retail tenants into downtown since being hired by Randall Davis to lease a non residential component of the Rice Hotel, that they had done more retail in downtown than any other brokerage firm, that every downtown and for that matter every shopping district needed a focal point that people could relate to, a meeting place to establish a sense of community for the district, and continued to voice his personal opinions in support of the Main Street Square until his time expired. Mayor Brown, Council Members Galloway and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Members, Mr. Page stated that there were more clubs and restaurants near the Rice Hotel now because that was where the renovation and development started, and as a matter of fact he thought that everybody was well aware that the location they were talking about now was the center point of downtown geographically and also relative to the Convention Center and the other entertainment facilities down there, that the question was asked about greenspace, these gathering places did not need to be on the periphery, they needed to be right in the center so that everybody could rally to them, that he did not have documentation or studies and had really little need to engage those type of things, that relative to the type of retailers they had been talking to, when they had a redevelopment of a downtown district, such as was going on in Houston, it starts with the bars and restaurants to create the traffic, that was the type of business that would immediately benefit from the office traffic, that once they started getting residential in and around downtown, then the traditional retailers would start coming in, that unfortunately with all the construction going on it had really interrupted a process that was in effect and it would take some time to get back on track, that they represent Borders Books and would have them in town next week, that they were very interested in going downtown, that they represent other major soft goods and hard goods, retailers who were waiting for everything to settle down a little bit before they look at the market hard, that relative to the weather, they represent 30 restaurants at least and virtually everyone of them wanted an outside seating area to be able to serve, that he would put his reputation behind this project, that everybody had their opinion and he had a very strong opinion that this was a project that should be done and should be done in this location, that he did not think that the success of Main Street Square was dependent on the success of the rail line, that what was suppressing it right now was the construction and the plaza would enhance it as retail space, but even more than retail space

there was needed a gathering space where people were not dodging cars and trying to cross the street quickly, that it was just the part of the personality of downtown today, that what was more attractive about the plaza was the proximity of the office and the retail to the particular plaza as opposed to being a block off, that another was the central location of it and the other was the plan for it not to be interrupted with traffic, where people could come from all different directions to gather in one spot and not be interrupted by the traffic, that the benefit was basic to downtown in general, that there had to be this type of location to create a central point that everything else worked off of, that it gave a personality to downtown. Mayor Brown, Council Members Wiseman, Keller and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Mr. Ed Wulfe, 12 Greenway Plaza #1500, Houston, Texas (713-621-1717) appeared and stated that he would like to start off by passing out some information from CDS Research as to their opinion on the economic impact of Main Street Square and Main Street in itself, that he served as Chairman of the Main Street Coalition and sought the City Council support for the ordinance because in their work over the past three years on Main Street they had learned and observed that great cities had great pedestrian places, friendly, public places where people congregated, that today they had a window of opportunity to take advantage of the transit construction that was going on to build within that transit construction a major focal point for their downtown area, and when he said focal point, that was what everybody seemed to be bouncing around, that retailing and shopping centers thrived on traffic and activity, that Main Street Square was in the absolute center of a lot of activity, and continued to voice his personal opinion in support of the Main Street Square until his time expired. Mayor Brown, Council Members Wiseman, Keller and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Members, Mr. Wulfe stated that a delay was absolutely critical, that a delay would kill it because Main Street under construction with Metro was on a critical time frame to deliver Metro operational by 2004, they had absolutely pushed the window in developing plans and Central Houston had gambled \$750,000 to develop plans so they could mesh in with their construction program and not interfere or slow them down, that once what they did was built, going back was almost impossible, so the time factor was very critical, that whether they could garnish the financial support that they had been able to put together to make this happen a year or two or three years from now he did not know, but they had it all put together now and could say that Central Houston, the downtown group and the Main Street Coalition had been working on this for several years to try to find out all of the possibilities, all of the ways to make it happen, that with a lot of stake holder meetings and a lot of public forums and a lot of design effort had concluded that this was the right thing to do and the right time to do it and it would become a very signature statement for the City of Houston and for downtown Houston, that they used CDS first when they were involved in the light rail issue to study the economic benefits of light rail on Main Street, that was about two years ago, they went back to CDS, and he was chairman of the Urban Land Institute, and they said now they were talking about doing things to enhance Main Street, would that have an economic impact and create development opportunities on Main Street, that nobody had ever advocated to shut Main Street off of the whole line, that he thought they had put it out for public consumption and the public and property owners ten blocks on either side of Main Street had a bit of the apple to weigh in on the plan and the benefits of the plan at this point in time, they had 19 or 20 different public sessions where the public was invited, shown the plans, provided input, gave comment and absolutely interfaced with everybody involved, that he could show him about 20 meetings that had been held by Central Houston, that the Chronicle ran a story with the classic picture of Main Street Square about five or six weeks ago and thought it was on the front page, that he wrote an op ed with that same picture in it about five or six weeks ago, that it had been in the public press and had been talked about, they talked about it at the open sessions, that last week at the Main Street Coalition Board of Directors they unanimously adopted it, that it had been a subject of a great deal of study, of constant input and feedback, that the George R. Brown was what they would call in the

shopping center business the east anchor, that was the end and everything moats to the center, that if there was enough activity in the central point, and it was retail and office, what they were saying was that this was where the traffic came together off of light rail, that it was where the retailers functioned, based on Foley's for example, and what was going to be put in the new building, and was where the bus system was going to feed into and was where 150,000 people who worked downtown had access to, so it was a combination of all of those forces and once it began to happen it would feed on itself. Mayor Brown, Council Members Ellis, Alvarado and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he would impose the 5 minute rule, that they had heard the bell ringing and the Council got five minutes to question the speakers, that they still had about 22 speakers, that he would let them continue with Mr. Wulfe but just wanted to put them on notice that when they heard the bell the next speaker would be brought up. Mayor Brown, Council Members Ellis, Alvarado and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Upon further questions by Council Members, Mr. Wulfe stated that from Sears on the south to north to the University of Houston, the light rail line would require that there only be one lane going in each direction on each side of the tracks and that was primarily to give businesses and people access to their places on Main Street, that almost all thoroughfare traffic would go on the north and south bond streets which add up to 19 lanes in each direction, that furthermore there were no parking garages in downtown that had entrances on Main Street, that if people wanted to go to those parking garages were going to enter them off of Fannin or Travis or one of the cross streets, so there was going to be very little vehicle activity on Main Street, that the line rail line eliminated 1,200 bus trips, that if they did close it off and do it the way they were looking at the plan for the square then it would be one of the few opportunities that businesses could look to build their retail walk-in traffic, that he did not have input or work on the agreement with the City for the Right-of-Entry. Mayor Brown, Council Members Ellis, Alvarado and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding.

Council Member Galloway moved to suspend the rules to hear Minister Robert Muhammad out of order after Mr. Tony Wiese, seconded by Council Member Keller. All voting aye. Nays none. Mayor Brown, Council Members Ellis, Alvarado and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. MOTION 2002-0917 ADOPTED.

Council Member Keller moved to suspend the rules to hear Mr. Doug Rude out of order after Minister Robert Muhammad, seconded by Council Member Vasquez. All voting aye. Nays none. Mayor Brown, Council Members Ellis, Alvarado and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. MOTION 2002-0918 ADOPTED.

Mr. Patrick Frese, 914 Main, 77002 (713-974-4292) appeared and stated that he was with Tarantino Properties and they were developing the Commerce Towers downtown at the corner of Main, Travis and Walker and was present for the residential aspect of Main Street, and they were petitioning the Council's support for the request, that he could offer the feedback that he had from residents and they also had retail space that they were leasing on the corner of Walker and Main, that the response had been very good and they had a lot of feedback, not so much in the daytime, but also the night life, that they thought it was going to add, that Mr. Wulfe was talking about the proximity of it being centered and he heard it a lot, that the residents that were in the their building and the potential buyers they had asked the question about what was going on on Main Street, of course they could look outside and see what it was right now and they tell them it was just a snapshot and what the Main Street Square was going to do and what they felt it would add and they thought it was a good thing, a place to coagulate at nighttime and during the daytime with the buses and all, that the response had been very good, of course they thought

the location was good or they would not have purchased the building, that it had been, so far, very good. Mayor Brown, Council Members Goldberg, Edwards, Ellis and Sekula-Gibbs absent.

Mr. William Franks, 708 Main Street, Ste. 200, Houston, Texas 77002 (713-223-8200) appeared and stated that he was Vice President of Spiral Reality Group in Houston, that they were owners of numerous properties up and down Main Street as well as the Central Business District, that they moved their office from the Woodlands to downtown Houston, that it seemed to be an unusual situation, but in 1994, when they first moved to Houston, they purchased the 1010 Lamar Building, but unfortunately they sold it a year ago Christmas and this would be a very good project owning the 1010 Lamar Building, their timing was not good, but when they first came to downtown Houston in 1994, even being a long time Houstonian and being raised there as a child in Spring Branch, he was highly embarrassed by the deplorable state of their downtown, and he would say that thankfully it had improved, but no to the extent that they felt comfortable with, that he thought they all looked at some of the new improvements of downtown and thought how wonderful they were, and continued to voice his personal opinion in support of the Main street Square until his time expired. Mayor Brown, Council Members Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Robinson, Mr. Franks stated that traffic patterns were unique, that if they talked five of their colleagues everyone was coming at a different direction and were going to tell them the best way to get in and it may not be what they were doing at this point and time, that he personally had stayed off of Main Street, they had six properties on Main Street and he could tell them that he now walked back and forth, but he thought that they had to plant a seed and he thought that this was a seed, that he thought it would be risky, at this point and time, to shut down all of Main Street and would not be in favor of that, that he and Mr. Davis had a conversation about a big pedestrian area of blocks and blocks and he thought this was a small area and an area that could be navigated. Mayor Brown, Council Members Edwards, Ellis and Sekula-Gibbs absent.

Mr. John Zotos, 300 Main, Houston, Texas 77002 (713-227-1511) appeared and stated that this was not good for where he was downtown and cutting any street off and cutting the power and energy from their street was detrimental to them, that he could not give them the dollars, but could tell them that he would take a little bit of traffic coming through his street, that right now it was blocked and would be blocked for a while, they had played by all the rules and had not complained, that putting an effective wall in the middle of downtown was bad for them and that was why he was present to voice his complaint, and continued to voice his personal opinions in opposition to the Main Street Square until his time expired. Mayor Brown, Council Members Edwards, Wiseman, Ellis and Sekula-Gibbs absent.

Upon questions by Council Members, Mr. Zotos stated that his business was Saint Pete's Dancing Marlin at Main and Congress, that currently Main Street was closed from the 300 to 500 block so there was no parking, that once Main Street opened there would be no parking on Main Street, that they chose their specific location because of the Cottswold Project and currently they were waiting to happen on the Congress area, there would be parking there, that he did not own the building, but had a 20 year lease, that they were there to stay, that they negotiated in June of 1998 and signed in November of 1998 and were not in operation until September of 2000, there were infrastructure problems, that he became aware of the closure of Main Street when he saw Mr. Wulfe's article in the op ed., around July 10, 2002, that within two months he realized that his business at 300 Main would be impacted, that he believed that Houstonians from all over the place liked their cars and believed that someone was going to want to travel from the Astrodome, in their car, all the way to the University of Houston, and thought there were going to be Saturday and Sunday drivers, people, that they believed that Main Street could be the center of downtown and not necessarily be a spot in downtown, that was why they came, they believed they would

be pioneers in a center of the City, that they were looking for an impact assessment and believed that if someone asked him, he could tell them what closing a street costs, that he had real data and no one had asked him for that at all, that he was about six blocks from the closing of Main Street, that as to the people coming to his restaurant, right now they were all fighting for the same customers, all the restaurants in that area, that it was more like a fish trap because they could not really leave and come back again, that there were some court, energy and banking people, that he would suggest they were coming no farther than the Chase Building, so about three blocks, that they had a shuttle but the streets were so bad they could not even operate it right now, they still had it and would make it available as they could. Mayor Brown, Council Members Ellis and Sekula-Gibbs absent.

Mr. Bill Curtis, 8019 Leader, Houston, Texas 77036 (713-225-0725) appeared and stated that he had been a Realtor for 50 years and managed downtown property since 1960 and the last time he was present before Council was in 1975 when Kress, Woolworth and Grants came to him and said he had to go to City Hall because they had a bus strike and were losing 75% of their business, that they came down and got the bus strike settle, and continued to voice his personal experiences and opinions in opposition to the Main Street Square until his time expired. Mayor Brown, Council Members Ellis, Sekula-Gibbs and Robinson absent.

Mr. David Castaneda, 2650 Fountainview, Houston, Texas 77057 (713-777-7368) appeared and stated that he represented the property management firm that owned the commercial office building at 723 Main Street, that as he sat and listened to the speakers he was reminded of his first job as a lawyer and it was with the City Attorney's office, that before he handled the City's commercial litigation he had an assignment to handle deed restriction enforcement and one of his first assignments was to go out to District A with Council Member Huey and at that point he grew a very good appreciation for how passionate people were about their property rights and for what they hold, and commercial owners were no different, that was why he was present today, that the owner of the property was very concerned about the closure of Main Street, that he did not have any traffic studies or data to share but what he had was experience, and their experience had been just from the construction and the difficulties that tenants had in getting to and from the building at 723 Main they had seen a significant drop in their occupancy rate, about an 18% to 20% for this particular property, that for them that was the tell tale sign of what kind of impact could it have to actually close the street. Mayor Brown, Council Members Ellis, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Tatro, Mr. Castaneda stated that they managed and leased the building at 723 Main on site, that they were involved with the closing of Main Street issue in the lay over process with Metro and thought that was initially how they got involved in the Main Street project, that up until just recently was when they became aware for the first time that they were actually going to close a City block, that probably in June was when they were first made aware and notified of it, that he had not heard discussion about the notice, that he did not have any record of notice. Mayor Brown, Council Members Ellis, Sekula-Gibbs, Berry and Robinson absent.

Mr. Iqbal Mohammed, 1101 Main Street, Houston, Texas 77002 (713-298-4050) appeared and stated that he was the property owner of 1101 Main Street as well as a retail business owner for the past five years at that corner, that he strongly supported the Main Street Square, that he was surviving on pedestrian traffic at this moment to and auto traffic was not helping him any earlier and was not proposing that auto traffic would help him or not, but he supported the project and hoped it would bring more people, that was what he had learned in that period of time, that pedestrians helped retail businesses and having the square in the center of downtown would bring more pedestrians to their spot and that would help him in the future. Mayor Brown, Council Members Ellis, Keller, Sekula-Gibbs, Berry and Robinson absent.

Upon questions by Council Members, Mr. Mohammed stated that he was in the food store business at this moment but was planning to open a restaurant at the same property, that he was thinking of expanding anyway, that he was notified about the Main Street Square project about a year ago. Mayor Brown, Council Members Ellis, Keller, Sekula-Gibbs, Berry and Robinson absent.

Council Member Alvarado stated that as to Boxer Properties she had an invite list of the property owners that were mailed invitations and for the July 12, 2001 meeting, Ms. Sara Simms of Boxer Properties was mailed an invitation, that for the September 6, 2001, Ms. Sara Simms and Mr. Jerry Dorge of Boxer Properties were mailed invitation, that Mr. Jerry Dorge and Mr. Andrew Segal of Boxer Properties were both on the email list that was sent information on a regular basis. Mayor Brown, Council Members Tatro, Edwards, Ellis, Keller, Berry and Robinson absent.

Mr. Mark Thompkins, 1021 Main Street, Houston, Texas 77002 appeared and stated that he was Executive Vice President of McCord Development and they owned a half million square foot building on the 800 block of Main Street, which they spent significant funds to renovate, including ripping off and re-skinning the bottom five floors of the building, that they also owned 1021 Main Street, which they gutted, abated and completely released and had built two parking garages in downtown Houston and one of their parking garages was on Main Street adjacent to the block in question, that they were definitely in favor of the block and continued to voice his personal opinions in support of the Main Street Square until his time expired. Mayor Brown, Council Members Tatro, Ellis and Robinson absent.

Upon questions by Council Members, Mr. Thompkins stated that they were on the block that was going to be shut down, that they were desperate for retail and they needed this type of activity to get retail to street level, that retail nor office was driven by drive-by traffic, it was driven by access, that they had invested \$200 million plus in downtown in the past five years all within three blocks of the project and were not going to make that kind of bet in something they did not believe in, that they planned to construct more retail on the ground floor of their building when the project was open because they thought it was going to draw all the customers, that they did studies and the capitol of their partners was based on how well they made real estate decisions and valued their own judgment and it seemed to have worked so far, that they were privately owned, that it benefited their property by benefiting the corridor, that they needed anchors on the corridor. Mayor Brown, Council Members Ellis, Vasquez and Robinson absent.

Mr. Leon Davis, 1221 McKinney, Houston, Texas 77002 (713-659-3131) appeared and voiced his personal opinions in opposition to the Main Street Square until his time expired. Mayor Brown, Council Members Edwards, Ellis, Vasquez and Robinson absent.

Upon questions by Council Members, Mr. Davis stated that some months ago he read that they were thinking about closing Main Street and he called Bob Eury and he said it was a long range plan and would not occur for months, and now suddenly they sprang it upon them, that most of the people in the City did not know that they were proposing to close Main Street, that they had one property at the corner of Main and Walker and they had an interest in a property on Rusk, that he was opposed to it because it was wrong, that all they had to do was beautify Main Street, they did not have to close it, that he thought it would be a failure, that his son had attended some of the meetings but he was inexperienced in the category and did not have the experience nor the know how and did not discuss it with him, that he was not notified and he was the boss, that it was wrong and a disaster about to happen. Mayor Brown, Council Members Ellis, Vasquez and Robinson absent.

Mr. Tony Wiese, P. O. Box 218710, Houston, Texas 77218 (281-496-4740) appeared and stated that they owned three properties on Main Street, that he did attend two meetings from the Downtown District, however he would call them more presentation meetings rather than planning meetings, that they were shown what they were going to do, that they actually bought their buildings before light rail was talked about and when light rail was talked about it was mentioned and they were told that Main Street would not be closed to vehicular traffic, that if they had known what they knew now, that Main Street was being considered to be closed, they would not have bought their buildings on Main Street, and continued to voice his personal opinions in opposition to the Main Street Square until his time expired. Mayor Brown, Council Members Tatro, Ellis, Vasquez and Robinson absent.

Upon questions by Council Members, Mr. Wiese stated that he had not disagreed with the fact that it would be nice to have a focal point, but he had disagreed with the fact that they were wanting to close the street, that one thing that a lot of people seemed to be missing, when people talked about closing Main Street, they a lot of people did not know whether it was the 1000 block, the 100 block or the 10000 block and as a consequence they were going to avoid Main Street all together, so they as building owners on Main Street and their tenants lose completely, that they should keep Main Street a strong focus, beautify it, get the light rail in and then two or three years from now have the discussion again, that he did not know if there was going to be some spectacular PR that would address the issue of people knowing what was going on, and Mayor Pro Tem Quan stated that he believed Central Houston was working on it with Metro and knew that when Louisiana Street opened there was a large hoopla to let people know that the construction had been completed and anticipated a similar situation of a grander scale once this construction was complete. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado and Robinson absent.

Minister Robert Muhammad, 4443 Old Spanish Trail, Houston, Texas 77021 (713-741-2747) appeared and stated that in his opinion the underlying and single most corrupting factor in the loss of civility and dignity in their City's body politics was term limits, that a lesson until they repealed term limits those of them who were elected to serve the City's needs would constantly be pressured by the need to seek another office after they were term limited rather than serving the best interests of the City, that human nature coupled with unchecked and unrestrained and naked political ambition was a demon that must be tamed and caged if the City was going to continue on the path of greatness, the learning curb in the body was at least three to four years, let us repeal term limits, keep the two year terms and if they could repeal it before their term was expired they would not oppose them being eligible to run if they desired, that term limits was the evil that evil produced and they must end it now, and he very much did not like career talk show hosts rallying about career politicians because career politician was not an evil word because public service was one of the greatest things that people could offer to their community and so when they did not have term limits they lose experience, people were there dealing with style versus substance, there had been more partisanship on the Council than he had ever seen in his 22 years of being in Houston, Texas and the ideological positions were setting stages to destroy the great City, that he wanted to end term limits and turn it back to the way it was. Mayor Brown, Mayor Pro Tem Quan, Council Members Ellis, Vasquez, Alvarado, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding.

Upon question by Council Members, Minister Muhammad stated that they fell for a trick, the contract on America in 1995 when the Congress came in, there was a move to put term limits on the Congress and other offices, however nothing happened in the State or County level, that he felt by the time they learned the job they had to leave the job, that yes he was planning to mobilize people in the community to try and address the issue, bur was brining it before Council for their consideration, particularly if it had to go to the State Legislature, that he would appeal to the Mayor and Council to use their lobbyists to go to the State Legislature so they could either get

on the ballot or get it repealed if it took a State effort, but if not then they would go to the streets and do what they had to do to sign the petitions and find out from the Legal Department what they had to do to get it on another ballot, he absolutely thought that the people of Houston, if properly educated, would repeal the term limits. Mayor Brown, Mayor Pro Tem Quan, Council Members Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Doug Rude, 9750 Windwater Drive, No. 234, Houston, Texas 77075 (713-910-8586) appeared and stated that he was pretty adamant about the speeding problem in the City of Houston, basically most of their highways and major streets that crisscrossed the town, that he was not present to complain but to challenge Council, that what he would like to see Council do was to help the City, the Houston Police Department and maybe even Metro would be a better partner in it, to make the money available to help HPD crack down on speeders, that he knew a lot of people did not think it was a real problem because of the way people did not pay much attention to the speed limit, that the TNRCC gave the City a good opportunity to crack down on speeding by lowering the speed limit back down to 55 mph, that the reason it was done was to help control pollution within the City limits, which was a good thing and he was all for it, but he thought it also gave them the ability to rally around the speed limit, and continued to voice his personal opinions regarding speeding and the speed limit until his time expired. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Rude stated that he was a carpenter and drove the City streets all the time, he was just a citizen who was concerned and had been in a lot of accidents in the past, that he was mainly talking about the freeways and the major streets where the speed limit got up into 45 and 50 mph, that he was worried about his family growing up in the environment he had, that Council had the ability to make the funding whole to put more officers on the street to enforce the speed limit, that they needed money to increase the technology to catch the speeders, and Council Member Edwards stated that she wanted to talk to him about maybe his helping them talk to young people about how they drove and how they looked towards driving. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Robert Gutierrez, 1200 Blalock, Ste. 140, Houston, Texas 77055 (713-461-9100) appeared and stated that he had a contract for the service of the City's phone system throughout the City, that this deal he was told back in May was awarded to a company called DataCom and he had not thought about it much since that time and then he got a phone call last night saying that there was some questions that had been asked and would he come down and answer questions and that was why he was present. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Gutierrez stated that Exclusive Networks left him that message, they were the lowest bidder who was not awarded the contract, that he was with I Communicate, his company, and Exclusive Networks was a company out of California and he was joint venturing with them, that they were disqualified because of a site visit, that he did not know why they did not get the job, he actually thought that someone else was the low bidder, that two of the things that he was told specifically was the response time to emergency calls, which was about two hours that they were asking for, and that was something that they currently did, they were actually able to respond to their customers, they serviced people that they sold to, not on a general basis, so they actually did respond to the call sometimes in 15 or 20 minutes, that there was another question about the number of technicians, that currently they did not apply

employ all that many people, they did a lot of out sourcing for their technicians and it was some that they would need to wrap up and get the people in place and it was something that he had been talking about for weeks before they had the site visit, that he had plenty of people who were very interested and excited to work for the project, that he could let them know about their abilities to perform. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Ms. Gladys House, 1605 Andrews, Houston, Texas 77019 (713-742-6915) had reserved time to speak, but was not present when her name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Victor Glover, 6405 W. Bellfort, #196, Houston, Texas 77035 (713-726-1749) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Everett Alexander, 4508 Clover, Houston, Texas 77051 (281-216-6862) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Ronald Mark Blake, P. O. Box 5277, Houston, Texas 77051 (281-216-6862) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Joseph Williams, Homeless, no phone, no address, had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. El Drake Smith, 3234 Ewing, Houston, Texas 77004 (713-522-2956) appeared and stated that he had applied for numerous positions at the City and one in particular had called him back twice and that one was for plant operator trainee, that he passed the test the first time but did not have his driver's license, that he did not give up and continued to fill out applications and plant operator trainee was posted once again in the middle of May, that they called him back to take the test once again in the early part of June, that he passed the test again and had his license and felt that he had a very good interview, but it had been two months and had not heard anything back yet, that he believed since then the position had been posted once again and that was why he was present to speak before the Council, that he needed the job more than anything, that he did have a good job but three months after he started working they merged with another company and went to another state and left him no other choice but to work dead end jobs with long hours, low pay, no benefits and no future, that before he was released from prison, Mr. Isenberg came and spoke to a group of them and said that the City would hire them and that they could have a future, move up and retire, that he said the City would give them the chance that other employers would not to become productive citizens, that he personally knew that

employers would not give parolees a chance to do it, that he was one of those parolee's that did not want to go back to prison and was doing everything in his power to stay free, that the lady at the Citizens Assistance Office told him that the City could assist him if he had put in an application, that he had since put the application in and crucially needed their assistance in the matter and stated that he wanted to thank the City employees who did everything they could do and actually listened to him. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Smith stated that he had an interview with Public Works and had just found out that they had been lying to him and leading him on in telling him that they had not made a decision yet and he found out, just before he came to speak, that he was not chosen for the position, that he had applied for about 20 or 25 positions, where all they needed was a high school diploma or GED, and Council Member Edwards asked for him to wait a few more minutes, that she would like to speak with him after the Council meeting, and Vice Mayor Pro Tem Keller stated that he thought he did well in his application and interviews, that they noticed that he had been referred and did not know for sure why he was not selected and was not on purpose or intended to mislead him in any way, that Mr. Robert DeYoung was present to help him by setting him up again with Mr. San Miguel and maybe add something to that, that he did do well and they were complimentary on his application. Mayor Brown, Mayor Pro Tem Quan, Council Members Tatro, Galloway, Goldberg, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 15 Charleston, No. 1107, Houston, Texas 77025 (713-665-1929) appeared and voiced his personal opinions regarding reparation and term limits until his time expired. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Edwards, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202FA34511) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Edwards, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Dr. Motapa, 6425 Woodard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Edwards, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Mayor Brown, Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Edwards, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller 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, Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

At 5:09 p.m. the City Council recessed until 9:00 a.m., Wednesday, August 7, 2002. Mayor

Brown, Mayor Pro Tem Quan, Council Members Galloway, Goldberg, Ellis, Vasquez, Alvarado, Berry, Sekula-Gibbs and Robinson absent. Vice Mayor Pro Tem Keller presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 7, 2002.

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, August 7, 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 8:37 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:12 a.m. Mayor Brown reconvened the meeting of the City Council. Council Members Goldberg and Keller absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 32

MISCELLANEOUS - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds for Water & Sewer Accounts for various customers - \$72,549.08 - Enterprise Water & Sewer Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Keller absent. MOTION 2002-0919 ADOPTED.

ACCEPT WORK - NUMBERS 9 and 10

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,748,501.35 and acceptance of work on contract with **BRH-GARVER, INC** for Sanitary Sewer Rehabilitation in Northside Phase II, GFS R-1039-08-3 (4250-80) 01.38% under the original contract amount - **DISTRICTS B - GALLOWAY; H - VASQUEZ and I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Keller absent. MOTION 2002-0920 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,085,123.19 and acceptance of work on contract with **WESTERN SUMMIT CONSTRUCTORS, INC** for Construction of Miscellaneous Repairs at the Southeast Water Purification Plant, GFS S-0012-10-3 (8233-10) - 20.96% under the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg and Keller absent. MOTION 2002-0921 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 14 through 16

14. **CHEMGUARD, INC** - \$143,169.75 and **KIDDE FIRE FIGHTING** - \$124,800.00 for Fire Fighting Foam Chemicals, Polar Solvent/Aqueous Film for Fire and Aviation Departments -

General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0922 ADOPTED.

15. **TEXAS FIRE RESCUE dba FIRE APPARATUS SPECIALIST** for Automotive, E-One Fire Truck Replacement Parts and Repair Contract for Fire Department - \$391,000.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0923 ADOPTED.
16. **MOODY BROS., INC** for Equipment, Wallace and Tiernan Chlorinator Parts for Department of Public Works & Engineering - \$204,000.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0924 ADOPTED.

ORDINANCES - NUMBERS 17 through 32

17. ORDINANCE consenting to the addition of 18.8155 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 30**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2002-0719 ADOPTED.
22. ORDINANCE appropriating \$585,892.01 out of Low Income Housing Fund 876 and \$1,449,107.99 out of Low Income Housing Fund 162; approving and authorizing first amendment to contract with **HOUSING OPPORTUNITIES OF HOUSTON, INC** to expand the scope of services to provide increased financial assistance of up to \$35,000.00 to qualified victims of Tropical Storm Allison to purchase new or used replacement housing and to use existing funding to provide up to \$10,000.00 of subsidy assistance to disabled homebuyers had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
24. ORDINANCE approving and authorizing Supplemental Schedule Agreement for Surety Support Services under the Master Agreement between the City of Houston and **UNISYS CORPORATION** (approved by Ordinance No. 2000-1147) for Various Departments \$389,769.00 - General Fund had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
26. ORDINANCE appropriating \$17,814.33 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Construction of 12-inch water line on Cullen Boulevard and Beltway 8 under a Cost Sharing contract with the **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 89** (approved by Ordinance No. 2000-0533); CIP S-0700-06-03 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2002-0720 ADOPTED.
27. ORDINANCE appropriating \$16,900.00 out of Park Consolidated Construction Fund for Professional Engineering Services for Edgewood Park Community Center HVAC & Fire/Intruder Alarm System; GFS F-0363-80-3 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2002-0721 ADOPTED.
28. ORDINANCE appropriating \$1,500,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for construction management services contract with **OMEGA ENGINEERS, INC** (approved by Ordinance No. 2001-0388), CIP S-0517-03 - was presented. All voting aye. Nays none. ORDINANCE 2002-0722 ADOPTED.

29. ORDINANCE appropriating \$2,241,145.56 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **GARVER CONSTRUCTION, LTD** for Construction of Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-R1-3 (WW4258-11); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2002-0723 ADOPTED.
30. ORDINANCE appropriating \$5,250,848.40 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **INSITUFORM TECHNOLOGIES, INC** for Rehabilitation of the 54-inch Sims Bayou Trunk Sewer from Scott Street No. 1 Lift Station to Old Spanish Trail, GFS R-2011-28-3 (WW4831); providing funding for engineering testing services, construction management and engineering services, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D- EDWARDS; E - WISEMAN and I- ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2002-0724 ADOPTED.
31. ORDINANCE appropriating \$12,366,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JALCO, INC** for 72-inch water line along Ella Boulevard and W. 12th Street from W. 24th Street to approximately 1000 linear feet east of Hempstead Road and the Northeast Pump Station Improvements, GFS S-0900-63-3 (WA10636); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS A- TATRO; B - GALLOWAY and H - VASQUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2002-0725 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from Director Information Technology Department for allocation of funds for software license and software/hardware maintenance - \$233,210.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Members Robinson and Wiseman.
2. RECOMMENDATION from Fire Department for Extension of Injury Leave for **KENNETH CHAPPELL, JR.** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Goldberg.
3. RECOMMENDATION from Chief of Police for supplemental allocation of \$215,204.52 for the Unisys Master Agreement for the Police Department Unisys mainframe and software - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Members Wiseman, Keller and Robinson.
4. RECOMMENDATION from Director Planning & Development Department to accept the July 2002 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program – was presented, moved by Council

Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0925 ADOPTED.

- 4a. RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$6,685,640.53 to Revenue Bond Debt Service as recommended in the July 2002 Semiannual Report of the Capital Improvements Advisory Committee (CIAC) – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0926 ADOPTED.
5. ORDINANCE appropriating \$110,427.86 out of Park Consolidated Construction Fund as additional appropriation for Bid Package No. 21 - Highland Park under construction contract with **SUMCO, INC** approved by Ordinance No. 01-0963, GFS F-0363-21-3 - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2002-0726 ADOPTED.
- 5a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 4 in the amount of \$110,432.90 on contract with **SUMCO, INC** for Parks to Standard Program Phase II, Bid Package No. 21 - Highland Park, GFS F-0363-21-3 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0927 ADOPTED.

ACCEPT WORK

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$414,829.96 and acceptance of work on contract with **RESICOM, INC** for Construction of 1999 Safe Sidewalk Program, GFS N0610A-S6-3 (Group No. 3) - 07.09% under the original contract amount - **DISTRICT E - WISEMAN** - was presented, and tagged by Council Member Wiseman.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract of \$356,748.32 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-T5-3 (Package T2) - 02.19% over 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 2002-0928 ADOPTED.

PROPERTY

11. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY0-073, located at 1421 Telephone Road, owned by Abba Indemnity Company, a Texas insurance company, Noe Santana, Sr., Chief Executive Officer, for **TELEPHONE ROAD RECONSTRUCTION PROJECT from Lawndale to Gulf Freeway**, CIP N-0611A-40-1 **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0929 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering to **AMEND MOTION #2001-1225, 11/14/01**, which authorized condemnation of Parcel CY1-001 located in the 9000 block of Kirby Drive, for the **KIRBY #3 LIFT STATION PROJECT**, CIP R-0267-65-1 **TO REFLECT** the correct ownership of this property as Kirby 610 Tech Ltd.,

a Texas Limited Partnership, David David, Authorized Agent - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0930 ADOPTED.

13. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A99-104, located at 6218 Wheatley Street, owned by Roy Douglas Malonson and wife, Shirley Ann Malonson, for the **ELLA BOULEVARD PAVING PROJECT from Pinemont to West Little York**, CIP N-0546-01-1 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0931 ADOPTED.

ORDINANCES

18. ORDINANCE establishing the north and south sides of the 1000 block of East 6th ½ 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 2002-0727 ADOPTED.
19. ORDINANCE establishing the North Side of the 700 block of East 8th Street and the North and South Sides of the 700 block of East 8th ½ 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 2002-0728 ADOPTED.
20. ORDINANCE issuing permit to **RSCPF 1201 LOUISIANA PLACE, L.P.**, for maintaining, using, occupying, operating and repairing a pedestrian tunnel and vault space abutting Block 269, S.S.B.B. and within Milam Street, Dallas Avenue and Louisiana 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 I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2002-0729 ADOPTED.
21. ORDINANCE issuing permit to **VILLAGE PARTNERSHIP, LTD.**, for building, constructing, using, operating, maintaining and repairing a pedestrian bridge within the 12900 block of Whittington Drive, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT G - KELLER** - was presented.

Council Member Keller moved to postpone Item No. 21 for two weeks, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2002-0932 ADOPTED.

23. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **INNOVATIVE INTERFACES, INC** for Integrated Library System for Continued Hardware and Software Maintenance of the ILS and Potential Enhancements for the Library Department; and amending Ordinance No. 99-0367 to increase the maximum contract amount - 2 Years \$540,000.00 - H.A.L.A.N. Fund - was presented, and tagged by Council Members Goldberg, Wiseman, Robinson and Keller.

Council Member Keller stated that he was going to tag the item also and would request a meeting with someone from the department.

25. ORDINANCE approving and authorizing contract between the City of Houston and **DEWBERRY & DAVIS, LLC** for Disaster Debris Consulting Services - \$100,000.00 -

Stormwater Utility Fund - was presented, and tagged by Council Members Tatro and Wiseman.

32. ORDINANCE appropriating \$10,125.00 out of Storm Sewer Consolidated Construction Fund, \$37,125.00 out of Street & Bridge Consolidated Construction Fund and \$85,725.00 out of Water & Sewer System Consolidated Construction Fund for advertising costs for various CIP projects relating to construction of facilities financed by the respective consolidated construction funds for the Department of Public Works & Engineering - was presented. All voting aye. Nays none. ORDINANCE 2002-0730 ADOPTED.

NON CONSENT AGENDA - NUMBER 33

PURCHASING AND TABULATION OF BIDS

Council Member Ellis moved to suspend the rules for the purpose of reconsidering Motion 2002-0536, 5/8/02, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0933 ADOPTED.

Council Member Ellis moved Motion 2002-0536 **TO INCREASE** award to furnish and install 23 additional pews for Building Services Department, awarded to **SAUDER MANUFACTURING CO.** for a total increase of \$14,408.00 be brought back to Council for reconsideration, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0934 ADOPTED.

33. **AMEND MOTION #02-536, 5/8/02, TO INCREASE** award to furnish and install 23 additional pews for Building Services Department, awarded to **SAUDER MANUFACTURING CO.** for a total increase of \$14,408.00 - Disaster Recovery Fund - **REQUIRES THREE MOTIONS** – moved by Council Member Ellis, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0935 ADOPTED.

MATTERS HELD - NUMBERS 34 through 46

34. WRITTEN MOTION presented by Council Member Quan to amend Item 34A, below, to revise Section 2 (1), (2) and (3); Section 2 (5) and Section 2 (6) and (7) as provided by a replacement resolution - **TAGGED BY COUNCIL MEMBER TATRO** - was presented.
Amend Item 35 to provide the following:

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 stated that he had passed out several substitute amendments to different sections of the Pilot Program and believed they would be amendments to Council Member Quan proposed amendments and offered the following amendments:

Substitute Amendment for Section 2. (1)

1. New Construction. In the case of new construction, the applicant [or its sole member] must enter into a Payment in Lieu of Taxes (“PILOT”) agreement that will remain in effect for as long as the property remains exempt from ad-valorem taxes under section 11.182 of the

Texas Property Tax Code.

Annual payments will be paid to all applicable taxing entities based upon 25% of the value presented in the appraisal offered by the applicant for underwriting the proposed financing for the first two years of the loan. Starting with the 3rd year of the loan, annual payments will be paid to all applicable taxing entities based on, and “frozen” at, 25% of the applicable County Appraisal District assessed value of the subject property on January 1 of the third year.

Note:

The proposed substitute amendments are based on and reflect the PILOT programs currently being utilized by:

- 1) Texas Department of Housing & Community Affairs - TDHCA
- 2) Texas State Affordable Housing Corporation — TSAHC
- 3) South East Texas Housing — SETH
- 4) Harris County Housing Corporation — HCHC

Substitute for Section 2. (2)

2. Major Reconstruction. In the case of acquisition, reconstruction and/or rehabilitation of developments that are over 40% vacant, boarded-up and/or out of service and for which such acquisition, reconstruction and/or rehabilitation will contribute to the revitalization of the neighborhood, the applicant [or its sole member] must enter into a PILOT agreement pursuant to which, for ~~the term of the bonds or~~ the duration of the applicant’s tax exempt status under the Texas Property Tax Code, whichever is shorter, property taxes will be “frozen” at the then current fair market value, as established and certified by the applicable County Appraisal District, and payments will be made to all applicable taxing entities pursuant to the applicable tax rates as applied to the “frozen” certified value. Multiple projects may not be combined and a single project may not be subdivided for purposes of qualifying as major construction under this paragraph, i.e., any project to be considered under this paragraph must be on a contiguous site, under common ownership, and may not be combined or subdivided.

Substitute for Section 2. (3)

3. Other Rehabilitation. In the case of acquisition and rehabilitation of existing units which do not qualify under paragraph 2 above, the applicant [or its sole member] must enter into a PILOT agreement pursuant to which, for ~~the term of the bonds or~~ the duration of the applicant’s tax exempt status under the Texas Property Tax Code, whichever is shorter, property taxes will be “frozen” at the then current fair market value, as established and certified by the applicable County Appraisal District, and payments will be made to all applicable taxing entities pursuant to the applicable tax rates as applied to the “frozen” certified value and all tax savings (i.e., the amount of all property taxes which would be otherwise payable on the applicable property by an entity which is not tax exempt under the Tax Code, less all PILOT payments under the PILOT agreement) and are used either for project maintenance, tenant rent subsidies and/or community-based social services.

Council Member Tatro stated that the gist of the first one, actually two, was the changing of the basis instead of just the land, they were using 25% for the first two years, the appraisal that the applicant submits to the Housing Corporation, and then in the third year on it was frozen at 25% of the Harris County Appraisal District value, that the second part of the amendment to Section 1, and was actually the same amendments in two and three, was the timing issue, that

the way the ordinance was proposed and the amendments that Council Member Quan submitted had an either or time period, it was for the duration of the bonds or for the length of time that the property remained tax exempt or the shorter of the two, that it was in all three, for major rehab or other rehab, that the problem with using that language was that the bonds could be retired after 10 years, the organization could own the property for 20 years but the way the pilot was crafted with that timeframe the pilot would only need to be sent back to the taxing entities for 10 years because that would be the shorter of the terms of the bonds or the ownership, so therefore the last 10 years no payment would be due at all, that he had effectively just removed the either or and made it for the duration of the tax exempt status of the property, that he submitted replacement for Number One and on Section 2 and Section 3 they were just cleaning up the timing. Council Member Galloway absent.

Council Member Quan stated that as far as the duration of the pilot he had no problem with that and felt that he would like to get the property back on the tax rolls as soon as possible, but as far as the amount to be charged they had not found that the County had been successful with the 25% evaluation and knew there was a project presently in Council Member Alvarado's district and if they went with the 25% they were looking at an increase of \$45 per month on rent to the tenants on housing they were hoping would be affordable.

Council Member Quan moved to suspend the rules to hear from Ms. Daisy Steiner, Deputy Director of Department of Community Development, seconded by Council Member Parker. All voting aye. Nays none. Council Member Galloway absent. MOTION 2002-0936 ADOPTED.

Upon questions by Council Members, Ms. Steiner stated that she was Deputy Director of Community Development and prior to coming to this position was Executive Director of the Texas Department of Housing and Community Affairs for the State of Texas, that as to basing the pilot on the value of the land as opposed to the 25% as proposed by Council Member Tatro they had done a survey of the housing finance agencies around the State of Texas, including the Texas Department of Housing and Community Affairs and had found that there was a fine balance between establishing a value for these type of projects, one of the impacts of establishing a value in excess of what they decided on was that it would be an increase to the rent of the tenants they were trying to serve, in other words there were some barriers created in terms of delivering of affordable housing product, that in looking at scenarios that they worked this was decided and presented to the committee and the committee approved their representations of making it a formula that would support and serve as an incentive for more affordable housing production, that they talked to representatives of the building community and talked to certain community development corporations that traditionally did business with the agencies and this particular recommendation had been endorsed by those groups as an incentive package that would motivate them to continue to build affordable housing and participate with the department's programs, that if they did not adopt the PILOT the CHODO's, the State Law provided three different options for the tax exempt entities and they and the committee looked at those options in detail and if they did not have a PILOT at the local level there were requirements for the tax exempt entities to comply with at the State level as well and their recommendation would be in addition to those options they were required to meet at the State level, and Council Member Quan stated this would put more responsibilities on them as it was but at the same time provide incentive for them to develop properties for affordable housing, and Ms. Steiner stated yes that was correct in their research. Council Member Galloway absent.

Council Member Ellis asked if they had four amendments or two amendments and Council Member Tatro stated that it would effectively be complete substitute amendments. Council Member Galloway absent.

Council Member Parker stated that they had before them Council Member Quan's

amendment to the PILOT and Council Member Tatro had introduced a substitute to his amendments and asked Council Member Quan if there were some he wished to incorporate and Council Member Quan stated that what he agreed with was that he wanted to make sure that as long this remained held by a non profit that they at least get some tax benefit from it so the duration of the program, he thought should continue like Council Member Tatro had proposed, that on page 2 he was in agreement as to the duration of the program, that he would accept those amendments, that he did not think that Council Member Tatro's amendment to raise the amount of property subject to tax was prudent because other entity's programs had not been successful, and Council Member Parker stated that she did not support that one she just wanted to be clear where they were. Council Member Galloway absent.

Mayor Brown asked if it was correct that what Council Member Tatro was proposing was based on the County's program and asked if they knew how successful the County had been on affordable housing, and Council Member Quan stated yes, that they had gotten a letter from the County and thought they only had about 8 projects through their program over the last 2 years, that they did not think it had been as successful in inducing the development of affordable housing. Council Member Galloway absent.

Upon questions by Council Member Robinson, Council Member Quan stated that if they were going to adopt the timeline they were going to change the timeline every place in the document, that on the amount to be taxed he was looking at taxing 100% of the value of the land without fixture and Council Member Tatro's was 25% of the value of the land and fixture based on the appraisal submitted at the time of the deal and at the third year the County Appraisal District's value of the land and fixture, that they were talking about \$45 to \$50 per month per apartment, because of the additional increase in value of the improvement in the fixture. Council Member Galloway absent.

Council Member Vasquez asked Council Member Quan how he calculated that \$45 to \$50 per month and Council Member Quan stated that there was a new project in Council Member Alvarado's district which was about ready to go on line and they had talked with the developer of that project as to how much rent would be increased, what would he have to charge to make ends meet under the proposal and that was where they came back with that, and Council Member Vasquez asked if that particular project was in general to the rest of the City and Council Member Quan stated that it was a unit that came in at about \$700 per month with the exemption they were looking at, as far as general throughout the City he did not know why it would not be because the tax bases would be the same and the cost would be the same otherwise. Council Member Galloway absent.

Council Member Vasquez asked Ms. Steiner if they concurred with those comments, and Ms. Steiner stated that yes they concurred with those numbers, they would be an offset in rent if they established that base and the development to which Council Member Quan was speaking to was typical of the type of developments they saw, that as to the method that they used to come up with the \$45 and \$50 she was not sure what the State would use in that methodology and she had not reviewed it personally and was not sure how they would approach determining what the impact would be, that they knew there were methods to determine what the impact of a particular regulatory ordinance would be on the rent and they certainly knew that there was a way to calculate it, that because she was at the local level and not the State level she would not presuppose how the State would calculate it, that when she was at the State those were the type of methodologies they would use. Council Members Galloway and Berry absent.

Mayor Brown stated that he would ask Legal to weigh in on it, what were the legal, if any, implications of what was being proposed in the amendments, and Mr. Stephen Lewis stated that for the most part it would be a policy matter but there was one particular issue raised by the

amendment that gave him a little concern, the payments in lieu of taxes were authorized by the Legislature but in essence they were contractual payment and not a tax payment and the concern he would have if the payments were construed as interest to HHFC when they made the loan and they were in essence to be made in perpetuity as long as the property was tax exempt it could create a usury problem, meaning charging more interest than they were allowed to charge by law and if that was the case no law firm would be able to write a clean usury opinion and therefore they would not be able to make any loans, that he would recommend that they be given a couple of weeks to check with underwriters counsel that write the legal opinions and to do some research on their own to find out whether or not it did create a problem.

Council Member Parker moved to postpone Item No. 34 and the motions to amend for two weeks and also asked that they have some real numbers to work with in the difference between the two versions, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0937 ADOPTED.

Mayor Brown stated that Item No. 34 was delayed for two weeks.

Council Member Robinson asked if they had a PILOT Program that collected property taxes beyond the life of the bonds it became usurious, and Mr. Stephens stated that he was saying it was a possibility and they needed to make sure it was not a problem otherwise they would be floating a program that was not workable, that he thought it was a serious enough issue that it bared looking into before they passed it, and Council Member Robinson asked if it would be easier, if that was an issue, to just change the property tax code, were they allowed to do something like that to just say that if they did housing with the City's money they would collect for a period of time instead of just going to a contract, to just keep collecting property taxes but at a reduced rate, and Mr. Stephens stated that to collect taxes they had to have the authorization of the Legislature and if they authorized them to do it, if they changed the exemption on CHODO's, yes, obviously they could do that, but if they do not change it they lack the authority to do it.

Mayor Brown stated that the motion to delay included Item No. 34 and 34a and Council Member Tatro's amendments.

After further discussion by Council, Council Member Vasquez asked Mr. Lewis that when he ran the numbers and started to package it all together if he could get several examples as opposed to just one, and Mr. Lewis asked if he was talking about the dollar values and Council Member Vasquez stated that was correct and Mr. Lewis stated that he suspected that their friends in Housing would be working on that but he would work with them on that to see that it happened.

- 34a. 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 - **(This was Item No. 27 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBER TATRO)** – was presented and postponed for two weeks by Motion 2002-0937.

35. 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 - **(This was Item No. 29 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBER TATRO)** - was presented. Council Member Tatro voting no, balance voting aye. ORDINANCE 2002-0731 ADOPTED.
36. 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 - **(This was Item 31 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBERS TATRO and ALVARADO)** - was presented.

Council Member Vasquez moved to postpone Item No. 36 for two weeks, seconded by Council Member Robinson.

Council Member Parker stated that a two week delay was not critical on the item however every bit of information that had been requested had been given to anybody who asked it, that lately it had been the Houston Association of Realtors that were asking the questions, that it had gone through committee, it had gone through the Archeological Historical Commission, it had gone through the Planning Commission, there seems to be some misinformation out there about what it does and it was actually instituted at the request of Council Members so he would urge that they go ahead and pass it today.

A vote was called on Council Member Vasquez's motion to postpone. Council Members Parker and Quan voting no, balance voting aye. MOTION 2002-0938 ADOPTED.

37. 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 - (This was Item 32 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. All voting aye. Nays none. ORDINANCE 2002-0732 ADOPTED
38. 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 - (This was Item 39 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. ORDINANCE 2002-0733 ADOPTED.
39. 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 - **(This was Item 42 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBERS**

ROBINSON, TATRO and SEKULA-GIBBS) - was presented.

Council Member Tatro stated that because of the property owners who had presented themselves he was very concerned about the due diligence that had gone into the closing of this project, that as he said yesterday, when they put speed humps on a street they mandated 75% participation and a lot of people had just been notified by what had been in the newspaper just recently and moved to postpone Item 39 for two weeks, seconded by Council Member Keller.

Council Member Alvarado stated that she thought a two week delay would ultimately kill the project, that METRO was already on the fast track to make up for other delays that they had including a six week court injunction and thought that they had heard a lot about the project, that the project was put forth for the Regional Planning Committee in late January and passed with a favorable recommendation, that there had been numerous stake holder meetings, yesterday there were various property owners that came to speak that she believed gave false information, they said they were not invited to meetings, but yet she had various lists that showed that they were indeed invited to various meetings, that she had specific information with dates, with their names and with the property names, that she had passed out a packet of information that showed the backup where they had meetings since Spring and Summer of last year, that she did not think they needed to delay it, they heard the numerous arguments of why this was a good project and knew there had been some concerns about having traffic going down Main and she would say it again that Main would not be a transit street, take into consideration that they would only have two lanes for vehicle traffic and those would be narrow lanes at that, consider pullouts at various properties for valet parking, for drop off's, for deliveries, they would not be able to make a left turn on Main Street, even if they were going down Main and wanted to turn right they were going to have a delay because of pedestrian traffic, people would prefer to use the parallel streets, they would have a choice of 19 other streets that could take them from north to south and would urge her colleagues to vote against a delay.

Council Member Goldberg stated that he would also vote against a delay and would urge his colleagues to vote against it, that he did not know if his colleagues had a chance to read what they were voting on but it was an agreement, a Right of Entry Agreement, and that was all it was, it was an agreement that they could put improvements there, and after they were through putting the improvements the City of Houston takes position of it and could do anything they wanted with it, including tearing it down if they found it was not working out, they could take the improvements away and build Main as if they would do it right now, that after the acceptance to the City's specifications they were out of it, as a matter of fact they were not even voting on a maintenance agreement, there was no maintenance component on what they were voting on and that would come later on and those would be terms to the City's specifications because once they agreed to build it they really had them by the horns and the City could setup the maintenance agreement any way they wanted. Council Member Parker absent.

Council Member Edwards stated that she would encourage her colleagues to vote on it today, that she was not sure what a delay would bring other than added confusion, she did not think it would bring any clarity, that she respected and appreciated the leadership of the district Council Member who had been working on the item and was assuming that she had done her work in her community and had the information to put forward, that she was still concerned that they were calling it the closing of Main Street, that she did not see it as the closing of Main Street and thought they needed to be real clear on what the message was that they sent to the public. Council Member Parker absent.

Council Member Sekula-Gibbs stated that since the issue had come to their attention she had numerous contacts by people who lived on Main Street as well as live around Main Street and would say that the constituents had been about 50-50 in their support and disillusionment

with the concept, and that was tough because it was almost a flip of the coin as to know how to proceed with it, that some say they did not know about it and some said they did not like the idea of taking cars off of Main Street, some said that it was subterfuge by METRO, some said it was a bad idea and others said it was exactly what the City needed to reinvigorate downtown, it was a difficult call and after they sat for two hours listening to constituents, she and Council Member Robinson heard again their points yesterday evening and it came up as a very difficult decision, that she had made up her mind to go ahead and support it with the notion that if it did not work that the City immediately reopen it, that the money lost would be the money from private enterprise it would not be the City's money, that it would be, she thought, a problem for drivers and sensed that there would be an educational component as to how they could access Main Street and had deep concerns that it may not work, that she hoped that it would work and suggested that people be patient and try to learn how to get around on Main Street and use the rail, but she was willing to give it a chance and recognize that everything had some risk to it and hoped that it worked to enhance the downtown district.

Council Member Sekula-Gibbs moved to called the question on the discussion of Council Member Tatro's motion to postpone Item No. 39 for two weeks, seconded by Council Member Galloway. Council Member Tatro voting no, balance voting aye. MOTION 2002-0939 ADOPTED.

A roll call vote was called on Council Member Tatro's motion to postpone Item No. 39 for two weeks.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	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 aye	MOTION 2002-0940 FAILED.

A vote was called on Item 39.

After further discussion on the main item, Council Member Sekula-Gibbs moved to call the question, seconded by Council Member Alvarado.

A roll call vote was called on Council Member Sekula-Gibbs motion to call the question.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Alvarado voting no
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting aye	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2002-0941 FAILED.

After a further lengthy discussion on Item No. 39, Council Member Edwards requested that Council Member Alvarado provide information on the PR Campaign that was going to be launched so that all of the problems that people had been bringing up, as to how people would

know and how all of it would be done in the public, so they would know what was going on and how it was going to be handled.

A vote was called on Item No. 39. Council Member Tatro and Robinson voting no, balance voting aye. ORDINANCE 2002-0734 ADOPTED.

40. 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 - **(This was Item 45 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBERS GOLDBERG, PARKER and SEKULA-GIBBS)** - was presented. All voting aye. Nays none. ORDINANCE 2002-0735 ADOPTED.

Council Member Parker stated that she wanted to thank Ms. Margie Quince and Mr. Allen for meeting with her and Council Member Goldberg this week on the particular item, they were very patient with them, it was a complicated system of funding and she had asked Council Member Quan to allow them further discussion at his committee meeting.

Council Member Sekula-Gibbs stated that she had also tagged the item and wanted to thank the members of Ms. Bingham's group for helping her and provide her with the information.

41. ORDINANCE approving and authorizing three professional services contracts between the City of Houston and the following contractors; (1) **ENGELHARD CORPORATION**, (2) **EXTENGINE TRANSPORT SYSTEMS, LLC** and (3) **ENVIRONMENT CANADA** relating to the Houston Diesel Emissions Technology Field Demonstration Project - **(This was Item 50 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN, TATRO and ROBINSON)** - was presented. All voting aye. Nays none. ORDINANCE 2002-0736 ADOPTED.
42. 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 **(This was Item 51 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBERS TATRO and WISEMAN)** - was presented. All voting aye. Nays none. ORDINANCE 2002-0737 ADOPTED.
43. 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 - **(This was Item 52 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN, ROBINSON and TATRO)**

Council Member Robinson stated that he had distributed a written amendment to Item No. 43 and stated that in conversation with Mr. Haines he assumed that the Legal department drafted the amendment that provided the City with the opportunity that as they went forward to generate a revenue stream off of the item and offered the following written amendment:

“Add the following paragraph to the end of paragraph 2 of the Addendum to Exhibit “A”:
The Director may require the University of Houston to provide testing and related data interpretation services of the same type as set out in this Agreement for City-designated diesel vehicles and/or equipment at no additional cost, regardless of who owns such vehicles or equipment.”

A vote was called on Council Member Robinson motion to amend Item No. 43. All voting aye. Nays none. MOTION 2002-0942 ADOPTED.

Council Member Tatro moved to postpone Item No. 43 for two weeks, seconded by Council Member Wiseman.

Mayor Brown asked Mr. Haines if there was any problem with a two week delay and Mr. Haines stated yes, that they had to move forward on it, that the University of Houston was going to have in place within the next two weeks.

Council Member Sekula-Gibbs stated that this was a very important item for the City's Clean Air Program, that she respected Council Members Tatro and Wiseman concern about using some funds from the Water Sewer System Consolidated Construction Fund, but nevertheless the money did go to retrofit cars that were from that department as well as the \$3.7 million which would be reimbursed or earned back by the City through the inspection system that would be set in place, they had to have the system and had to come into compliance with ozone reduction and this was a vital part of the City's program to generate clean air and reduce the ozone, that she would encourage them not to vote for the delay and move forward for clean air for the City.

Council Member Robinson stated that he was also going to speak against the delay, that he wanted to thank his colleagues for passing the amendment, that what the amendment did for him was give him a level of comfort in two areas, one it generated a revenue stream in the future when everybody else would have to come into compliance, that second, even more important, he thought it was going to be tight in Austin next year to fully fund Senate Bill 5 and in fact this item and the amendment they just added would have to be a part of their case to the TNRCC and the EPA that they had a source of funding going forward to help do conversion to clean fuel in their community and so he thought they needed to get this program set up as quickly as possible so they would be in a better position to deal with protecting their transportation funding and complying with the clean air requirements in the community.

A roll call vote was called on Council Member Tatro's motion to postpone Item No. 43 for two weeks.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting aye	MOTION 2002-0943 FAILED.

A vote was called on Item No. 43 as amended. Council Members Tatro and Wiseman voting no, balance voting aye. ORDINANCE 2002-0738.

44. 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** - **(This was Item 61 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented.

Council Member Parker stated that when they passed the developer participation contracts originally they set aside a certain amount of money for them, that she knew this was an item they were going to have to have in their upcoming CIP to determine how much was needed to be available for the reimbursements, that she supported them originally but they really had not had the opportunity to look at them in context, which developers were using them, how they were being used and how much money it was going to tie up in the future, that she thought it was another item that might ought to be discussed in Council Member Quan committee so they could just get a handle on how much money they were putting into it.

Mayor Brown stated why would they not have a report before the Fiscal Affairs committee and Council Member Parker stated that with either committee she would be happy, and Mayor Brown stated that the Housing committee would be fine.

A vote was called on Item No. 44. All voting aye. Nays none. ORDINANCE 2002-0739 ADOPTED.

45. 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 - **(This was Item 62 on Agenda of July 31, 2002, TAGGED BY COUNCIL MEMBER TATRO)** - was presented.

Council Member Tatro stated that yesterday they had a speaker present on the item and after reviewing the RCA one of his concerns was one of the items listed in the RCA was that the low bidder was found not to be in compliance, but the low bidder was not notified that they were not in compliance, there were site visits done to several sites and the low bidder at that time was in the process of moving and he had most of his stuff at the new offices, that he had talked to Mr. Coy Baskins and they made a decision that based on their site visit that the vendor could not handle the work to be done, that the gentlemen who appeared yesterday had written a letter responding to the statement by the IT Department that they would not be able to perform the duties, that because of the move there was a lot more equipment and personnel at the new offices, the vendor was not notified and had no opportunity to respond to their findings at that point so they subjectively took him off as low bidder and said he was not able to perform, that they had gotten replies back from the company who was just notified of that and received resume's and some letters from other vendors who had used their services and he wanted to be able to distribute that to the Council Members who had not had the opportunity. Council Member Edwards absent.

Council Member Tatro moved to postpone Item No. 45 for two weeks so they would have a chance to review the information, seconded by Council Member Quan.

Mayor Brown stated that in the request there was a specification that the bidders be able to respond within two hours and the person Council Member Tatro was talking about could not meet that specification, that it was in the specification of everyone who bid on it and not just one

persona and that was the requirement of the job.

Council Member Vasquez stated that he would like to see them proceed on it and would encourage Council Members to vote against the delay and asked for a roll call vote.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
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 aye
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2002-0944 FAILED.

A vote was called on Item No. 45. Council Members Tatro and Quan voting no, balance voting aye. ORDINANCE 2002-0740 ADOPTED.

46. 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 75 on Agenda of July 31, 2002, POSTPONED BY MOTION #2002-915) - was presented.

Council Member Goldberg stated that he met with some people from Public Works regarding this item and the problem he had with the issue was the money involved and the fact that the City of Houston was way behind and they made a lot of mistakes on the project, they agreed with TXDOT to split the project 80% and 20% with the City paying 20% and that was in 1995, that problem was the TXDOT money was capped and that 80% stays at what ever that amount of money was and since they waited 7 years now their match was actually 37% of the project, that the project was basically constructing about 12 miles of bike lanes, 8 ½ of which were on the street and when they put a bike lane on the street basically what they were doing was drawing a white line down the street, the cost on drawing the white line down the street and putting up some signs and cleaning up was \$45,000 per mile and if they put it on both sides of the street that was \$90,000 per mile and \$20,000 was to design it, that the off street trails of which they were putting about 3.6 miles of off street trails, the concrete about 6 inches thick and ten feet wide cost \$644,000 per mile, that he thought the costs of the project were absolutely outrageous, that the bidding was done by TXDOT, they did not know what the low bids were because it was managed by them, but he thought in the future before they committed any funds they ought to look at doing the project themselves and bidding it out or possibly getting the City's Street and Maintenance Department involved in it because everything that was involved in putting on street bike lanes was something that the City Street and Maintenance Department did anyway, that he would ask that some sort of arrangements be made where their own City departments could bid on the projects in which they had control over.

Mayor Brown stated that he thought they would agree with him that the decision was made on this issue a long time before they ever got on Council that the State would do this, they were using federal money so they were kind of locked into what they had right now and there was not

much option.

A vote was called on Item No. 46. Council Members Tatro, Wiseman, Ellis, Keller and Berry voting no, balance voting aye. ORDINANCE 2002-0741 ADOPTED.

Item received during the meeting was considered as follows:

24. ORDINANCE approving and authorizing Supplemental Schedule Agreement for Surety Support Services under the Master Agreement between the City of Houston and **UNISYS CORPORATION** (approved by Ordinance No. 2000-1147) for Various Departments \$389,769.00 - General Fund - was presented, and tagged by Council Member Wiseman.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Alvarado stated that in today's Chronicle there was an article about some killings that had occurred in the east end community and the article focused on DNA evidence that had linked three of three of the killings to one person and she wanted to reiterate her concerns on HPD's crime lab and how important it was to make sure they had the proper resources and adequate space and staffing to conduct the DNA tests, that she wanted to encourage the women of the east end to be aware of their surroundings and look out for their neighbors and children.

Council Member Alvarado stated that she wanted to thank her staff, that last night they covered a lot of ground in their district during National Night Out.

Council Member Alvarado stated that she wanted to congratulate Mr. John De Leon, Director of Affirmative Action, who received the Henry B. Gonzales Latino Leadership Award a couple of weeks ago.

Council Member Alvarado stated that she wanted to congratulate Council Member Quan and his staff for the reopening of the Mayor Pro Tem's Office, that his staff had worked very hard to put together something that was very accessible and they continued to do a great job.

Council Member Berry stated that he wanted to thank Mr. Roy Wilson in the Parks Department for doing a great job, that he called him at home at 10:00 p.m. with a concern that he had sent over at probably 8:30 p.m.

Council Member Berry stated that unfortunately he had the occasion to need the services of HPD during the last week and wanted to commend the officers for their professionalism and respect and the great committed job they did.

Council Member Berry stated that everyone in Council Member Quan office was just first rate, that every time they needed them they helped them and were doing a great job.

Council Member Wiseman stated that she wanted to thank some City employees who had really done a tremendous job in helping her out when it came to taking drive by tours of areas in her district, Mr. Art Kidder, Mr. Gary Hutchinson, Mr. Pete De Los Santos, Neighborhood Protection and Mr. Terry Woodfin, Harris County Flood Control also joined them on one trip.

Council Member Wiseman stated that National Night Out was, she believed, a tremendous success throughout the City, that she had an opportunity to attend two events in her district, that missed the tail end of the El Dorado Trace Condominiums event, that they had it every year and it was a tremendous success and she wanted to thank Ms. Billie Tibbier for putting it together in

Clear Lake.

Council Member Wiseman stated that she had an opportunity to take part in a neighborhood parade in Freeway Manor and it was quite an experience driving up and down pretty much every road in Freeway Manor, that it was very enlightening, that they had driven through the neighborhood a few times to access the condition of the infrastructure there and had worked with Public Works to try to resolve many of those, but unfortunately she thought a lot was being overlooked, that they were in the process of trying to overlay concrete streets and thought what they needed to do was work to try to reconstruct the roads, that they had a serious flooding problems and she had brought to Public Works attention that they needed to focus on the drainage problem.

Council Member Wiseman stated that they had an opportunity to witness an accident yesterday during their trip as they drove past an accident where a driver drove straight into a fire hydrant and fortunately they were accompanied by police and fire trucks so they were able to respond, but because of the fact that an excessive amount of water was discharged from that knocked over fire hydrant they were dealing with a mosquito concern, West Nile, since there was no where for the water to go it would stand and she had some great concerns about that presenting a mosquito problem in Freeway Manor so she appreciate it very much if the Public Works Department would get to work on it immediately.

Council Member Galloway stated that she wanted to thank Mayor Brown for being in one of the locations on Night Out yesterday in the Fifth Ward, that it was a very large turnout, that she went to quite a few sites for the Night Out and some of her constituents were concerned about the West Nile Virus and she had received calls about it as well, that several horses had been attacked by the West Nile Virus and had died, that she did understand that the County was doing the spraying and they had to make sure they were networking with the County to eradicate the disease because it was really spreading rampant, and asked Mayor Brown if they could get some information on where they had tested so they could better serve their communities, and Mayor Brown stated that he would get a briefing for all of Council.

Council Member Galloway stated that she wanted to correct for the record an incorrect statement made by one of her colleagues on a radio talk show, that Council Member Berry called in and was debating Mr. Quannel X and Mr. Kofi Taharka and during the debate he stated in a response to an unrelated question presented to him and she quoted, "Carol Galloway told me I should stay out of her district because she does not need my help fixing potholes", that she would say that what Council Member Berry stated was untrue, that she had always been a public servant and wanted all the help she could get, that she always told her constituents that they had 5 At Large Council Member Representatives and 1 District Council Member and the Mayor, that she did not want just want the support from an At Large Council Member, she wanted the support from all of the District Council Members as well because when she sat at the Council table she did not just represent District B, she represented the entire City of Houston, that she wanted to put it on record that Council Member Berry was always welcome in her district to assist in whatever problems that District B may have.

Council Member Robinson stated that he wanted to thank Mr. Hall and Mr. Haines for putting together the amendment, in the last two weeks they had gotten some information from Dr. Berger and Mr. John Hall giving them an update on what was going on in the clean air issue and why he was so adamant about the amendment was that in the information they made the observation that the City's plan at the local level to reduce their nox was going to cost somewhere the neighborhood of \$48 million to \$50 million and one of the City's strategies was to seek help through the State and federal funding to help reduce their ultimate cost to about \$5 million, that fact of the matter was that both the federal government and the State were going

through tight fiscal times and they were probably going to be in the position where they were going to need to carry a lot of the load and the items they passed today gave them an opportunity to take care of themselves in an at least pay as you go manner. Council Member Galloway absent.

Council Member Robinson stated that in the next couple of weeks Mr. Haines would be getting a draft of a Pedestrian Safety Ordinance and if everybody would take the opportunity to review it and make any comments back to him or Mr. Hayes they would have it in TTI in August for an up or down vote to send on to the full Council. Council Members Galloway and Alvarado absent.

Council Member Robinson stated that he believed in the next two weeks Pasadena, Deerpark and LaPorte would finish the process of holding their public hearings on No Trucks on the Left Hand Lane on Highway 225 and they would send their information to TXDOT as the City had done with their public hearing, that he wanted to thank Mr. Bibler who had been a trooper on the issue for him, that he would like for them to look at three permeations if they could on truck restrictions beyond No Trucks in the Left Hand Lane.

Council Member Robinson stated that in light of Council Member Edwards inquiry the other day he had been working on a missing children's event and it was going to be on Wednesday, August 28, 2002. Council Member Ellis absent.

Council Member Edwards stated that she wanted to send a shout out to the Houston Comets and the Houston Texans.

Council Member Edwards stated that she wanted to thank Captain Salazar at Station 35, that on Sunday afternoon they let her come in and walk around and look around, that she got a little bit better insight about what went on in a fire station.

Council Member Edwards stated that she wanted to thank Mr. Cantu in the Community Liaison's office, especially Ms. Wanda Robinson and Ms. Carolyn Culpepper in the work that they had been working with them on several things that had happened in their community, that they really appreciated the work they had done and were doing.

Council Member Edwards stated that on National Night Out Mayor Brown had his own song last night at one of their events, they had a little band that was playing Hail to the Mayor, that one of the things that National Night Out kind of brought to the forefront there had been a strong relationship with their district and a lot of their civic clubs and a lot of the departments, particularly the Parks Department, they worked very hard and strong with people in the McGregor Park area regarding the reopening of the community center at McGregor Park, that it had been closed for a number of years and Mr. Wilson and Mr. Hill had been very responsive in working with the community and their office in getting that facility open, they had it opened last Saturday and had a press conference and then on Sunday someone decided they would go in and mess it up, that they took what they did in the community very seriously so they were going to have a press conference and had a reward and wanted to know who did it, that the press conference was on Friday morning at 10:00 a.m. and would like to invite anyone to participate in that, that Crime Stoppers was putting up a \$5,000 reward, that it was an insult to the community for one person to think they could just come in and play around and mess up what had taken almost three years to bring on point.

Council Member Vasquez stated that on July 25, 2002 Dr. Kendrick sent out a memo regarding the influenza vaccine update and basically the TDH had told them they were not going to be able to supply the influenza or flu vaccine to the City due to budgetary constraints, that the

City was currently trying to secure a supply of about 3,000 doses for high risk individuals with no other access to the vaccine, that he thought it was a very important public health issue for many in the community, particularly the elderly and those who had compromised immune systems or were at risk, that he would like to know how much money would it take for the City to procure the same amount of vaccine as they procured last year, and Mayor Brown stated they would have to find the answer to his question.

Council Member Vasquez stated that he wanted to remind everyone of the Back to School Fair that District H was sponsoring citywide, it would be on Saturday from 10:00 a.m. to 4:00 p.m. at Northline Mall, they would have immunizations, parent education workshops in cooperation with HCC and were also having general booths and finger printing for kids as well so they could get them registered and everyone was invited.

Council Member Quan stated that they had all been concerned with the Land Assemblage Redevelopment Authority and he had received a memo from Ms. Bingham that they now had five entities that had signed on and were only lacking two, that Harris County, Harris Department of Education, Harris County Hospital District, Harris County Flood Control District and the Port Authority of Houston had all agreed to the LARA Program, that they were only lacking HISD and Houston Community College so they were working hard and hoped to get the last two on board so they could begin the program.

Council Member Sekula-Gibbs stated that they did have a problem with immunizations for influenza this year, that the problem really started two years ago because the City Department of Health was notified that they would no longer be receiving free vaccinations from the Department of Health, but for whatever reason they did not make any adjustments at that point, that they went back to the State and petitioned them for another free year and it was granted to them with the admonition that it would not happen again and here they were again in 2002 and they had said no, they would not get free vaccines, that they had only budgeted \$20,000 to buy the 3,000 doses, that they really needed 30,000 which was what they typically administered, that it cost \$6.00 per dose and they did not have the money allocated, that in a memo from the Mayor "in view of the unanticipated cost of the vaccine and the ready availability of the influenza vaccine through Medicaid and Medicare providers the Houston Health Department had opted to purchase a limited number of doses, that it was not unanticipated and she had issue with that, that they were told and the Texas Department of Health told them that they were told, that she spoke a few days ago with Ms. Linda Linville, Chief of the Bureau of Immunization, and she said they were told, that they had some communication challenges and thought they were going to need about \$200,000 to meet the demand and if they did not then she did not know where the patients would go to get their immunizations, that it was an issue and hoped the Mayor would devote some attention to it so they could address it, and Mayor Brown stated that they would also indicate that the Health Department could charge for the vaccine, and Council Member Sekula-Gibbs stated that it needed to be discussed seriously and they needed to make a decision whether they were going to come up with the \$200,000 or whether they were going to charge the \$6.10 or whether they were just going to tell people to go elsewhere.

Council Member Sekula-Gibbs stated that she would like to congratulate the Health Department because they had now moved up in their childhood immunization rate, they had gone from third from the bottom to fifth, that she thought it was a great stride, that she wanted to congratulate the City as well as the County for moving in the right direction and working very hard to educate people about the importance of getting immunizations. Council Member Keller absent.

Council Member Sekula-Gibbs stated that she had a great privilege of attending the Mayor's Jazz Brunch on the weekend and had wonderful entertainment at the hands of some gifted and

talented young people who participated in the Jazz Education Summer Program conducted by Bubba Thomas and his staff, that they had great sponsors, that Mr. Thomas had stated that they had a problem, that they had a storm on Saturday night and the typical crowd that would come to the Jazz Festival did not come and now they were \$15,000 short in their revenues and it was going to really hurt them in terms of putting on the summer workshop on for the students next year, that he made an appeal to the folks who were sitting at the table and what she was doing on behalf of Mr. Thomas she was making an appeal to Houstonians to give and support the Houston Jazz Education Inc. by opening up their hearts and checkbook and help them cover the \$15,000 loss that mother nature caused, if they could to give to Jazz Education, Inc., P. O. Box 8031, Houston, Texas 77288 or go to the website at www.jazzeducation.org or call Mr. Thomas at 713-839-7000, that it was really a wonderful brunch and the children deserved their support.

Council Member Alvarado stated that she wanted to remind her colleagues that their Legislative Priorities were due tomorrow and their committee meeting was next week on August 15, 2002.

Council Member Parker stated that Council Member Galloway mentioned the issue of West Nile Virus and she wanted to remind Council that Dr. Kendrick sent around a package of information about 10 days ago and they distributed through her office and would make sure that anyone who did not receive one would get another one, that it talked about the protocols involved and when and where they would do aerial spraying rather than truck based spraying and various contract information, to please contact her if they did not receive one.

Council Member Parker stated that she prided herself on doing constituent service work, that she used to do a lot in District B but since Council Member Galloway came in she had done very little in District B because Council Member Galloway took care of it, that they would take care of it first but would always let her know when they were working on anything.

Council Member Parker stated that she had a question about water usage, that since she had been on Council she did not know if they had a normal rainfall or maybe she did not know what a normal rainfall year was for the City of Houston but they had alternate years of what was considered drought years and wet years and would like to know how this year was stacking up because it did have an impact on their budget and she had not been able to get a real sense of it, that at least they had not been inundated with water main break complaints so she was assuming that it had been a reasonable year in terms of rainfall amounts but if someone could get her some information and Mayor Brown stated they would get the Public Works Department to provide something for her.

Council Member Parker stated that she wanted to wish a belated birthday to Ms. Russell and to thank her for all her years of service.

There being no further business before Council, the City Council adjourned at 11:10 a.m. upon MOTION by Council Member Vasquez, seconded by Council Member TAtro. All voting aye. Nays none.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary