

City Council Chamber, City Hall, Wednesday, September 4, 2002.

A Combined Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, September 4, 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 Financial Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:08 a.m. Mayor Brown called to order the meeting of the City Council and Council Member Sekula-Gibbs invited Pastor Steve Riggle, Grace Community Church Clear Lake, to lead everyone in the prayer and Council Member Sekula-Gibbs led everyone in the pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Members Galloway, Wiseman and Keller absent.

Council Members Quan and Edwards moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Tatro, Galloway, Wiseman and Keller absent.

MAYOR'S REPORTS - Briefing on Hobby Airport Concession Recommendations

Richard Vacar, Director, Department of Aviation

Mayor Brown stated that he wanted to use his time under the topic of Mayor's Reports to ask Mr. Richard Vacar, Director of the Department of Aviation to give them a briefing on the Hobby Airport Concession, that would be coming before Council soon. Council Members Tatro, Galloway, Wiseman and Keller absent.

Mr. Vacar stated that he was handing out copies of three handouts as they went through the presentation, that the first one was basically the presentation that talked about the selection process and the like and then there would be a couple of sheets he would handout in due course, which dealt with the money side of it along with the committee scoring, that flipping to the first page there were two contract awards, first Food and Beverage, which was intended to be a 10 year concession, 14 locations within the Hobby terminals and the projected concession sales for that term was \$234.68 million, and those sales, incidentally, were projections that they did with their consultant, they were not sales projections by any of the proposers, that the other award was for News, Gift and Specialty retail, that it was a five year concession, eight locations and projected sales for that was \$76.7 million, that there were two Food and Beverage proposers, one was the 4 Families of Houston and the other CA1 Hospitality Partnership of Houston, that the only two that proposed and both did make presentations to the committee, that on the next page, the 4 Families participants included the Pappas Restaurants, N. Wally James, Grover Jackson and subs included on that were Duni Hebron Lawrence, Gigi Huang and Rick Molina, that on the next page, the CA1 Team was CA1 Services, Gerald Wilson and Kriby John Caldwell, and the joint venture partner subs, Harlen Brooks, Charles Bush, Arron Smith, John Pevy, P.J. Hassan and Art Lopez, that on the next page was what they published, in advance, to the proposers of how they would rate the concession and as they went down the list Experience counted for 15% of the total award, Concepts and Themes 25%, Designs 20%, Management 15%, it was pass or fail on DBE participation, pass or fail on Financial Capability and Rent Proposal was 25% of the award and the proposal quality was a pass or fail as well, so the only points that were awarded were on the ones with the numerical values, that all the parties that

proposed on both of the concessions passed on all the factors, that the next sheet was the committee member scoring on Food and Beverage and they could see that there were seven committee members and the point totals were for CA1, 626 and for 4 Families, 612.69 and the reason for the fraction was basically the rent proposals were allocated based on how much of the total 25 points possible in terms of whoever put the highest amount of rent in got 25% and the proportioned fraction that the next person put in was a fraction of 25 points and that was how they got there, that he was going to hand out another sheet, that the rationale for the award to CA1 was, A) highest total points and B) the highest financial return to the Houston Airport System and they would see that on the handout, that if they took the new handout and went to the first page on the bottom right they would see the sales projection number of \$234,678,000, that what they did was the consultant, using sales data from Houston and elsewhere, projected what the sales would be based on the various proposed eateries and the like and came up with that number, that what they asked the proposers to do, they did not give them projections of sales, they were only asked to give them rent that they proposed to pay in the different categories, that all they did then was multiply their rent figures times their forecast, that if they went to the next page they would see the difference between the two proposals and when they did that exercise at the very right, on the first one was CA1 and on the very right there was \$33,655,000 which would be the net rent to the Airport System and that constituted 14.3% effective rent, that if they went to the next one for 4 Families of Houston, their proposal would have brought to the Airport System \$26,480,000 and that was an effective rent of 11.3%, that was 3 percentage points less than CA1, that also constituted approximately \$7 million difference to the City during the concession term, so on the basis of points awarded by the committee and rents to the City, the CA1 proposal was what he was recommending, that there was one more page, the scoring that was conducted by the 7 members of the committee and on the left side were the subjective ones, the first four that were on the list, the rent scores were in the center and if they put them all together and that was how they got the total number 626 points versus 612.69 points, that he would point out that if they took the extremes of the two, the highest one

given to CA1 and the highest given to 4 Families, if they took them out of the equation it would not change the result, that back to the original on the Retail News there were 3 proposers, the Hudson Hobby Joint Venture, Paradies Houston LLC and News and Gift Shops International, that on the next page, Hudson Hobby Joint Venture participants were the Hudson Group, Gerald Wilson, Charles Bush, Trinidad Vasquez Mendenhall and Bobby Vivay BP Singh, that Paradies Houston LLC was the Parady Shops, Chris Wilmont, Jake Amonti and the sub was Garnett Coleman, and the News and Gift Shop International was the News and Gift Shop International, the Quinta Denato and Macario Ramirez, those were the participants, that on the next page exactly the same criteria was applied to the Retail Concession, that again it was the pass or fail and everybody made a presentation and everybody passed the pass or fail parameter, that if they went to Committee Member Scoring they would see that Hudson came in with 636 out of a possible 700, Paradies came in at 570.5 and NGSi came in at 495.1, that there were very clear differentials on the scoring, that Hudson was well ahead on the scoring, that the rationale for the Hudson award was the highest total points again and highest financial return to the Airport System

Mr. Vacar handed out another sheet and stated that if they went to the first page, and they were dealing with retail, that on the bottom right hand side they would see the number \$76,696,000, that was the sales, and again all they did was apply their percentage rents to their proposed sales matrix, that the next page indicated the rents that would be received, that from the Paradies proposal they would receive 15.8% rent and that was the lowest proposed, the NGSi was 20.5% effective rent and the Hudson Hobby Joint Venture was 22% rent, there was a 6% swing between the high and the low, that Hudson was \$1 million advantage over NGSi and a \$5 million advantage to the City over Paradies, that on the next sheet, again the scoring 636 for Hudson and 495.33 for NGSi and 570.5 for Paradies, and that was the individual members on the subjective on the left and with the rent scoring, if they added them together out of the 700 points, those were the numbers, and that was the basic presentation. Council Member Wiseman absent.

Upon questions by Council Member Goldberg, Mr. Vacar stated that they had projected what they thought the revenues would be, that the September 11th tragedy created in the initial months real hardship on concessionaires generally and that happened because traffic was down and then there was also the metered reader impact, that what had managed to happen since then, generally around the United States, that if they were outside of security there tended to be a harder hit on concessions, that if they were inside security, they were selling generally more than they were before because people were getting to the airport earlier and had more time on their hands, that he did not have the breakdown on concessions available to ticketed versus non ticketed, but they had a significant number of concessions on both sides of security, that one of Hobby's problems, that the new terminal was going to solve was, they did not have enough concession space for the traffic, that obviously they were adding a lot of concessions and square footage, that each team proposed their own proposed percentage rents, that they did not give them a revenue projection, that one of the things that he was trying to avoid was what happened a few years ago when they awarded the concessions at Intercontinental, they basically got into a rent bid war and they did not want that and as a matter of fact on the minimum annual guarantee for Hobby, taking into account that all the downside risk was on the vendors and not the City, they took the minimum annual guarantee down to a nominal amount and then in terms of rent they wanted the teams to simply tell them what their rent would be to the City not what their projected figures were because those varied widely between what their assumptions were, that they came up with their rent proposal, however they did it, that they simply took the rent proposal for each category of goods, that they took the rent proposal in terms of percentages, that when he cited the figures of \$76 million or \$234 million that was what they expected the sales to be based on the combination of Hobby's performance, other airports performance and their consultant that did this business all over the Country, that it was not the separate teams revenue projections.

Council Member Tatro stated that he appreciated Mr. Vacar giving the Council Members the handouts and review, that he wanted to clear up some of the issues they heard, but thought that both of the issues should be discussed at committee because of some of the issues, that first on the food, what they heard was that there was one scoring based on a set of criteria that was put out and that the scoring was one way, that there was some review of the scoring, maybe some concerns and he guessed Mr. Vacar could tell them who set up that scoring, and then there was possibly a change in the scoring, possibly an added item or more focused item and then a re-scoring and then the results were different and asked Mr. Vacar to clear it up for them, and Mr. Vacar stated that the numbers he had handed out to them and the committee scoring were the raw numbers provided by each committee member and those were not changed in any respect whatsoever, when the consultant met with the committee in the early going the consultant put some numbers in their computer and determined a result which they announced and which was erroneous, they made a mistake and had corrected the mistake, that the mistake in particular was that they were assuming that there would be a bias on the committee members in terms of skewing it one way or another because he could give Team A a very high score and give the other one a very low score, therefore he could influence the overall result, that as it turned out when they did the analysis there was no such skewing that was in the numbers and even if they assumed there was skewing and took out the highs and lows for each of the teams it did not change the numbers at all so there was no change, and Council Member Tatro stated that they heard there was a scoring the first time and it was 5 to 1, one way, and with a review the second time 5 to 1 the other way and asked how could the same scores be viewed two different ways and Mr. Vacar stated that the consultant wanted to bias the individual members scores, and Council Member Tatro asked if it was all done previous to receiving the bids and the proposals, and Mr. Vacar stated yes, that was what they had proposed, that it was more than the City had done on concessions before and in fact it created an anomaly on the food and beverage, that what happened was, and they had to look at it the way he did, he got a result that said that this team gets the most points and had \$7 million more money on the table

for the City and somehow they came in second, that just did not make common sense, that when they looked at the data they had in front of them it was obvious who won the prize, that he knew how it could be because he did the analysis on it and it turned out that the consultants made a mistake, what they were assuming was that there was going to be a large spread between the votes from committee to committee member and that was not what happened, that what happened though and the way they were doing the analysis was if they gave somebody, out of 20 points possible, they gave them 20 and Council Member Vasquez gave them 19, the consultant gave a 50% penalty to the 19, in other words they were robbed of 9.5 points, that did not make any sense, that was the danger and that was the problem, that he was willing to go around and talk to them about it, and Council Member Tatro stated that on the gift side, they had heard that the scoring was 4 to 3 out of the 7 panel and asked if that was wrong because he saw 7 to 0 scoring, and Mr. Vacar stated that was the same model applied to that and on the particular case on retail it did not make any difference how they score or whether they even used the erroneous consultant recommendation it came out the same, and Council Member Tatro stated that they altered what the consultant recommended basically and Mr. Vacar stated yes, but that was their choice, they did not have to take the consultant's advice on everything, particularly when they were wrong, that the problem was when they did the analysis they had an erroneous model and he rejected the erroneous model and they had since rejected the erroneous model.

Upon questions by Council Member Quan, Mr. Vacar stated that the term was 10 years on the Food and Beverage and that was because of the write off on the investment which was higher, and 5 years on retail after the date of completion of the construction, which was 2006, that 2006 started the 5 years, but they would moving in over a period of time as the facilities were developed, and Council Member Quan asked if during the course of it did they have any right of cancellation, because they had a situation with E One where they had a lot of complaints brought to them but they were stuck and to bring it back when the contract came back up, and Mr. Vacar

stated that as a standard construction contract they had, but E One was a managing agent type contract and this was a prime concessionaire and essentially the prime concessionaires were on the hook for the program, and Council Member Quan asked who was on the committee, who were the seven people, and Mr. Vacar stated that Southwest Airlines had a person that handled that kind of review for them, who was on the committee, they had a person from Convention and Entertainment, who had done concession for them from the City Departments, there were three Deputy Directors that were out of the Aviation Department and there was also the Airport Manager and all those people had experience around airports in all sorts of ways, that the consultant did not participate in the vote, that they also had their Concession Manager from the airport as well and that person had been doing that or some 20 years, that some people had expertise but not everybody had expertise in concessions, and Council Member Quan asked what was the role of participants, that they had a main company and then the participants, were they financial participants or did they bring some type of expertise, and Mr. Vacar stated that in terms of the teams he did not know exactly how the teamed picked their partners but they did have to meet, for example, the DBE goals and there were some investments that people made and he assumed that everyone who was in there had an investment of one sort or another, but in terms of how they factored that out that was not really their concern, and Council Member Quan asked when they worked out the projections on sales was that based upon, he guessed there were some jumps along the way because the build out was not complete until 2005 or 2006 and asked if there was a gradual increase, because what he had been told was that there was a substantial increase in 2007 and there were no gates being added at that time, and Mr. Vacar stated that to the projections, if they looked at the locations, they could use both Exhibit A's on the Food and Beverage and News and Gift, if they put them side by side they would see exactly the same thing, the locations, the spaces were on the left hand column and the projected opening dates were a few columns over and then what they did was they applied when they were going to be opened and the passenger traffic to that and that was how they ended up with the numbers, all the locations were indicated, there were eight locations for retail and they could

see all eight locations when they came on board and essentially if they looked over to the right they would see how the money came on board.

Council Member Robinson stated that a couple of times so far he had heard his colleagues say they had been told and they've heard, that if they could get everything they have been told or just heard and share it with each other and send it to him and so they all would know what they had heard and then they could get them all addressed so they would all be on the same page, that he wanted to tell them what he had heard and he would send it to them in writing, that one of the questions he had for Mr. Vacar was the model that they rejected were they developed before or after receipt of the RFP's, the proposals, and Mr. Vacar stated that the RFP had the criteria that he showed them there, and that was what the proposers were told about, they were not informed of any other ranking system other than they would evaluate it, that the models developed by the consultant were done about the same time the RFP went out, that the models were pre anybody on the committee sitting down and doing any evaluation, in fact the committee members did not know anything about them, that he did not know who heard about what, and Council Member Robinson stated that somebody said there was a 4 to 3 vote and he said in his earlier responses to Council Member Tatro that the 4 to 3 vote number came from a model that the consultant developed and Mr. Vacar stated yes, that they did forecast numbers, because that was something they could do on their own and when they got to the model itself, it was a model they had been using elsewhere, it was not something they came up with, it was something that existed, it was off of the shelf, and Council Member Robinson asked if there was anything that the model generated that constituted a 4 to 3 vote evaluation, and Mr. Vacar stated that the 4 to 3 projection showed up at the conclusion of the Food and Beverage selection team meeting, that they plugged in the committee recommendation numbers into the model and the model spit out a result and he disagreed with the result and evaluated the model and said the model was incorrect, that the reason he thought the model was incorrect because it weighted some people and it penalized some committee member's evaluation number, that was one factor, and the

other factor was the model did not take into account the relative weights of the particular criteria, that for example, if they liked Team A over Team B on a factor that was worth 5% and there was another person who had B over A on a 25% factor, their 5%, even though the other one was 5 times the weight, their 5% could overturn the 25%, that was also analytically inappropriate, and Council Member Robinson asked what would happen if City Council rejected his recommendation, what was the administration's position, would they start over or did they go to the second place finisher, and Mr. Vacar stated that he did not see a basis to reject the Retail, largely because it did not make any difference how they analyzed it the results would be the same, that if the Council decided they wanted to reject his recommendation in all fairness to the parties they would probably start the process all over again, that the problem with starting the process all over again was that they had substantial delays and they had huge costs involved to the City and to the proposers and in addition to that it was unfair in the sense that people already put their cards on the table, and Council Member Robinson stated that he wanted to visit with Mr. Vacar on the issues. Council Member Keller absent.

Council Member Robinson stated to Mr. Hall that in the past they and some of the old members had what they called a mid course rent corrections and wanted to know what they were going to do, that he would be gone, so that somebody who was sitting in his chair and people would not show back up saying that they had been jibbed and needed to reduce their rent and then they started eating into the profit and the City's money, that he wanted to make sure they would take care of that, that there were also issues about the common area maintenance fees, that he was going to want to talk to them about those issues in more detail as they forward. Council Member Keller absent.

Upon questions by Council Member Berry, Mr. Vacar stated that the consultant was Unison Maximus and that was one of their specialties, concessions, that they produced a report and he just reconfigured it so he could make a presentation, and Council Member Berry asked for a

copy of the report, and with regard to the seven people who served on the committee, was that composition, with regard to the titles those individuals held, similar to the committee that was created for the last round of airport concessions, and Mr. Vacar stated that several years ago it would have been similar, but not exactly the same people, and Council Member Berry asked if there was a problem releasing who those people were, and Mr. Vacar stated that he did not want to put people's names out there because then they become targets of somebody's ire and that was not fair to them, that the presenters knew who those people were, and Council Member Berry stated that his problem was that 75% of the result was based on those seven individuals and a subjective analysis and he did not know who they were and Mr. Vacar stated that he would be willing to talk to him about that one on one. Council Member Keller absent.

Upon questions by Council Member Ellis, Mr. Vacar stated the sales revenue was the key to making sure that they did not have skewed results by the proposers themselves, they took sales projections that were reasonable conservative sales projections and only asked them to give them what rent they would pay them, for example, on alcoholic beverages and all they did was they assumed a certain level of alcohol beverage sales and multiplied their number times that and that was how they ended up with the amounts and the matrix system put that altogether, that they did not know what the sales projections were, they were only making a rent proposal, that if they went to the sheet and took a look under Sales Level, what was proposed for CA One for Food and Non-Alcoholic Beverages for the first \$17 million was 13%, \$17 million to \$18.5 million, they were going to give them 14%, over \$18.5 million it was 18% and then on alcoholic beverages they could see what they proposed, that if they looked at 4 Families of Houston said they were going to pay 10.5% for the entire package and the entire term, that was why the numbers were a lot simpler to calculate, that also for alcoholic beverages it was 15% and merchandise 15%, that there was no merchandise in there, so obviously that was the other proposal, that all they did was take their rent number and multiply it times projected sales and that was how they came up with what they were going to get and what the total sales were going

to be, and Council Member Ellis asked if their rent number included improvements to the facility, and Mr. Vacar stated that within the RFP there were certain things the City was providing them and certain things they had to provide, for example the common area for food and beverage was an investment they would have to make, they would also have to do all the finishes, fixtures and improvements within the spaces they were given, and Council Member Ellis stated they assumed that one of the total rents was \$33.6 million and the other one was \$26.4 million, what was the actual revenue to the City and what percentage of that was improvements, and Mr. Vacar stated that particular number was the actual revenue to the City and did not include improvements, and Council Member Ellis stated that he did share with some of his colleagues with things like the consultant started out down one path and somebody diverted them in another, and Mr. Vacar stated that the problem was, and the consultant had a hard time admitting it, but when they actually sat down and went through what their model could do he pointed out the biases, that he had a lot of statistics training, and it was pretty easy for him to figure out what happened there and they agreed with him at the end of the day and Council Member Ellis asked Mr. Vacar to meet with him and show him what the consultants methodology was and Mr. Vacar stated that he was getting meetings set up with everybody and planned to walk them down the whole thing, which was more time than they had at the Council meeting, that it was not going to go through a committee, that he was making a recommendation, that they were not making the recommendation for a vote today for approving it, he still had a contract negotiation to do and would come back with the contract. Council Member Berry absent.

Council Member Parker stated that she wanted to express how unhappy she was to go into a discussion of this magnitude and have the information handed to her at the table, and the type on the presentation was not appropriate, that it was very difficult to form cogent questions without information in advance, and Mr. Vacar stated that he wanted to apologize, but there was a reason for doing it, that he did not want any of the recommendation to be out before he had a chance to give it to the Council Members first hand, that they were not asking them for any

decision today at all, that he planned on visiting with each Council Member and go through it in detail, and Council Member Parker stated that she concerned on the question from Council Member Berry as to who the members of the committee were and that Mr. Vacar wanted to protect them in some way, that this was a public body and a public process and they did not do secret analysis and she was surprised to hear him say he would not give the names of the members of the committee, that she did not particularly need to know who was on the committee, but did not think it was an appropriate answer and then to say they were not going to get all the information at Council publicly, they were going to do it in Council Members offices and that raised concerns with her, that Council Member Ellis asked whether it was going to go to committee and she realized it was not posted publicly for the agenda, it was simply a Mayor's Report, so she could not move the item to committee, but she would suggest strongly that it needed to go committee so they would have the opportunity to publicly discuss all the items in the bid, that when it was posted she would assure them she would make every effort to send it to committee and it might save a lot of time if they send it to the appropriate committee before it came back to Council; that there were four Council Members around the table who actually lived through the last concession contract and she thought they realized that it was not just the bottom line number and in fact she remembered very clearly in the last concession contract that there were major differences in the two bids, it was really apples to oranges, in the food concession at Intercontinental, one was going to spend a lot more money in terms of capital investments or build out and one was going to offer more money in terms of concession payments to the City or rent, and it was very difficult to tell in Mr. Vacar's presentation whether they were looking at comparable bids and would like to know all that he based his recommendation on, or what he had discussed, was the actual concession dollars rather than the capital expenditures that went into it, that she remembered that last time he gave much more weight to the capital build out than to the concession area, and Mr. Vacar stated that they had proposed the minimum per square foot for each team and they knew that number going in now and if they wanted to do more than that then it was up to them, it was not a criteria they used for the evaluation, that what

he had tried to do was simplify it but just getting at the rent number, that the thing he was really afraid of and the reason they did the projections themselves, was if they recalled the last time the price kept getting higher and higher until it was ludicrous and that was not good for the City to put people in the position to have to pay that much money when they knew the business was not going to support it, and Council Member Parker stated that some of the bids were flat percentages and some of them had escalators and asked if he did do any sensitivity analysis looking at discounted cash flows to see what the impact of those escalators were, that she would assume that the numbers might converge a little bit if they discounted the PV's on them, and Mr. Vacar stated they could do that but they were pretty flat across there if they looked at them, that they could do a PV on it, but they would do that. Council Member Goldberg absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Vacar stated that the term of the contract was 10 years for the food and beverage and the retail was 5 years, that the problem they had in this particular situation, if they had a fully functional terminal building they would probably have that food and beverage closer to 5 years, that the problem was that they had to make investments between now and 2006 and their cash flow was going to be minimal and then after 2006, when the building was up and operating, was really when they were in business, but they had substantial up front investments to make that they would have to be able to recover for, so the consultant gave them the advice that 10 year term on food and beverage and that there was a lot less investment in a retail site, that those would allow the people to make a profit and recover their investments and also give a fair return to the City and Council Member Sekula-Gibbs stated that she too had strong concerns about his desire to keep the committee anonymous, and Mr. Vacar stated that he did not have a problem telling anybody who the committee members were, he just did not want to do it in a public session where their names go all over town on television and in the newspaper, that he did not think they bought into that kind of exposure, and Council Member Sekula-Gibbs stated that she would like to see the Maximus Report. Council Member Goldberg absent.

Council Member Vasquez stated that he knew there was not enough time to go through all the issues and he also had a concern about the transparency involved because it was a public process and asked Mayor Brown that he send it to the Regional Planning and Economic Development Committee, which the airport fell under, and they could schedule an emergency meeting or what ever time frame he would like for them to establish, and Mayor Brown stated that they had no problem sending it through a committee, that one of the efforts was to be transparent and going to committee was the logical next step, that this was just a briefing to Council as a whole, so they would get it before the committee, and Council Member Vasquez stated that the airport fell under the Regional Planning and Economic Development Committee and would assume that he would send it there and Mayor Brown stated that was correct, and Council Member Robinson asked if they could have some procedural guidance when it goes down to committee, what happens if the committee wanted to substitute a recommendation or if the committee rejects the recommendation, if they could know in advance again, he was like Council Member Parker and was present for the last go round and if they did not know what the procedure was they end up with a lot of confusion and Mayor Brown stated that they would submit something to them, that he would suggest that there probably would be some legal implications if a company submitted a bid and was determined to be the winner and then the City rejected it for whatever reason, then he thought they would have to look at Mr. Hall giving them some guidance on that, and Council Member Vasquez stated that he would work with the Mayor on scheduling an appropriate time and Mayor Brown stated that would be very good. Council Member Goldberg absent.

Council Member Edwards stated that he would like to support her colleagues in saying that it should go to committee, and Mayor Brown stated that would happen. Council Member Goldberg absent.

Mr. Vacar stated that since it was a big concern he would announce who the people were and would do it again in committee, that the members were Michael Abashom, Southwest Airlines, Randy Goodman, Concessions Manager, Mario Ariza, Conventions and Entertainment, Eric Potts, Deputy Director, Planning, Design and Construction, Richard Barrones, Deputy Director of Finance and Administration, C. M. Holmes, Deputy Director, Operation Services and Meg Lanero, Manager of Hobby Airport. Council Members Goldberg and Wiseman absent.

Mayor Brown stated that he wanted to thank Mr. Vacar, that they appreciated his coming and giving the briefing. Council Members Goldberg and Wiseman absent.

At 9:55 a.m. Mayor Brown stated that they would move to the Public Session and requested the City Secretary to call the list of speakers. Council Members Goldberg and Wiseman absent.

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

Ms. Alicia Ana Ponce, 7428 Anzac, Houston, Texas 77020 (713-672-2193) appeared and stated that she was present regarding the treatment she had been receiving from the Houston Police Department, that for three years she and her family had suffered harassment, physical assault, threats and also vandalism from a group of members in their neighborhood, that she had brought her complaints to numerous agencies, that there were too many to mention but she would give them a copy of whom she had gone to, that her complaints had been met with indifference and she had been ignored and at times been met with threats, that on May 2, 2001 she met with Mayor Brown at Denver Harbor Park and he promised to arrange a meeting at the substation on Lyons and in return an officer arrested not only herself but her husband, that her

husband had a gun pointed to his head, that there had been numerous occasions where she had gone to different police agencies and been met with retaliation, that most recently her home had been arsoned and when she went to the police department for help, once again she was met with retaliation and she was interrogated and asked about not her complaints but to get information on gang members in her area, that her father had gone for help from Council Member Vasquez's office and he had been told that in their opinion they did not believe either her father or herself and she resented those accusations, that she had been honest in all her allegations and had never been charged or convicted of any crime and strongly resented that her father, an exemplary citizen, a Vietnam era veteran, a civic club member and a resident of Denver Harbor for 33 years, had been labeled a liar, so today she was asking for the help from her Council Member and also from the Mayor to look into her complaints. Council Members Tatro, Goldberg, Wiseman, Vasquez, Sekula-Gibbs and Robinson absent.

Mayor Brown stated that when the Council Members finished their questions he was going to ask Assistant Chief Dennis Storemski, who was present in the Council Chambers to meet with her and see if he could help her work through the problems or issues associated with what brought her to Council today. Council Members Tatro, Goldberg, Wiseman, Vasquez, Sekula-Gibbs and Robinson absent.

Upon questions by Council Member Quan, Ms. Ponce stated that she had that group of people arrested and convicted for stalking and harassment, and she was told by the Gang Task Force Unit, that was with Officer Cervantes, that those people were known gang members in the area and there had been three occasions where they asked her to come in and provide them with information on the harassment taking part with her family, but in return either she was arrested or her husband was arrested, that she was arrested because they brought up old traffic violations dating back to 1982 and she did not understand how that could be because in order for her to go to meet with either any police officer or different police stations they had to have their

license, or any other type, have it run and she never had a problem with it, but the last time when she met she was questioned, that she should not have met with the Mayor before she met them, that she believed it was a form of retaliation, that she had tried to work along with the constable, that she had internal affairs involved and different agencies, that she had the media involved and in return, the last incident was that her house got arsoned, that because the police officer who came out improperly obtained the evidence from her home she would never have a case against the people who arsoned her home, that the same day that her house got arsoned, the people who she believed arsoned her home made threats and were arrested for harassment, that from what she was told by the officers, they were gang members, that she was present because they were making false charges against her and she had another court date to go to again, that this time they were accusing of trying to kill someone by running them off of the road, they kept coming with different charges by the same people who she had arrested, who were known gang members, that her complaints were being denied and they came coming forward with false charges, that this would be the third time that they had come up with false charges again, that it kept going back and forth, that it had been going on since 1995, that it started with just one family and now there were three families involved and with gang members from what she was told. Council Members Goldberg, Wiseman, Vasquez, Sekula-Gibbs and Robinson absent.

Mayor Brown stated that Chief Storemski would meet with her now. Council Members Goldberg, Wiseman, Vasquez, Sekula-Gibbs and Robinson absent.

Mr. Timothy Verge, 10750 West Brae Parkway, No. 2101, Houston, Texas 77031 (713-270-6850) appeared and stated that she applied for the Houston Police Department and made sure his credit was fine and that everything was great and what happened through the process of his applying for the job, he passed the polygraph and passed everything and had two things left, the psychological test and the physical, that Officer McCoy called him and told him that he had a traffic ticket from 10 years ago that he did not disclose on his application and he said he did not

know anything about it and what happened was that he told Officer McCoy that if he had known to put that on the application he would have put it on in the beginning, that he did not think a traffic ticket would have kept him from being on the Police Department and Officer McCoy stated that he did not disclose that and that he was taken to jail, and he told Officer McCoy that he was not taken to jail, what happened was that he was taken to the Beechnut Substation, that he was never handcuffed or read any rights, so he asked Officer McCoy to look at it as a citizen, he never considered it as being arrested and he understood through the law that it was considered to be detained, that all he was asking, that he had done everything he was supposed to do, he had a good record and had good recommendations, that one of his friends that owned a resume company suggested that he come to City Council and talk to the Council about it, so he was present to say that he hoped somebody would look into his application again and give him an opportunity to be a police officer. Council Members Goldberg, Vasquez, Quan, Sekula-Gibbs and Robinson absent.

Mayor Brown stated that he would ask the police chief to have someone review his application and the entire process and then someone would get back in touch with him. Council Members Goldberg, Vasquez, Quan, Sekula-Gibbs and Robinson absent.

Mr. Michael Carr, 24334 Fairway Point Dr., League City, Texas 77573 appeared and stated that for the last eighteen years he had been employed by Southwest Airlines as an aircraft mechanic at Terminal A at Hobby Airport, that during the last four years he had endured a chronic and acute upper and lower respiratory problems and included two sinus surgeries, asthma and two infections requiring 12 weeks of intravenous antibiotics, that several coworkers had also endured chronic respiratory problems short of surgery, that approximately two years, at the request of Southwest Airline employees, Southwest Airlines initiated an investigation into the possible cause of everyone's chronic illness, that between Southwest Airlines and Houston Airport System personnel at Hobby the following conditions were determined to exist and still

existed today, a contaminated airport supply duct determined to have some kind of mole, toxic mold saturated dry wall ceilings from improperly maintained overhead plumbing, E-coli and bacteria laden walls and ceilings, that this condition was the result of fifteen plus years of human raw sewage and human waste leakage from restaurants and restrooms located above their facility in Terminal A, that these and other equally serious fire hazards had been evident to the Houston Airport System and Southwest Airlines since September 26, 2000, that these above documented conditions in the form of environmental reports alerted them to sick building syndrome, toxic mold bacteria and their harmful effects, that subsequent reports would continue to identify new health hazards, that during the last two years Southwest Airlines had engaged in an expensive yet cursory cleanup effort, concentrating on appearance and ignoring the structurally and trans toxic mold, fungus and bacteria, that Houston Airport System, on occasion, had supported the effort with their own careless cosmetic approach to the problem, despite the known presence of toxins, Houston Airport System personnel had arbitrarily exposed Southwest Airline employees and the City's own unsuspecting workers to the dangers of the toxic mold without benefit of proper equipment or quarantine the contaminated areas to preclude further contamination, that all those actions were deemed satisfactory and conclusive without compliance to the established EPA standards as directed by the City of Houston Health Department, that the hazards still existed in the core condition in spite of all the superficial attempts to mask any problems, that the Southwest Airlines maintenance facility and surrounding areas were still fully engulfed in toxic mold, fungus and bacteria and were still a threat to everyone's present and future health, that there needed to be proper remediation and people must be moved out of harms way until such time as the new terminal was ready for occupancy. Council Members Galloway, Goldberg, Edwards, Alvarado, Sekula-Gibbs and Robinson absent.

Upon questions by Mayor Brown, Mr. Carr stated that he had been told that Southwest Airlines was responsible by City personnel and City personnel told him that Southwest Airlines

was responsible, that it was Terminal A at Hobby Airport and was told it was City property, and Mayor Brown stated that Sally Bradford was present and would meet with him to work on it immediately. Council Members Galloway, Goldberg, Edwards, Alvarado, Sekula-Gibbs and Robinson absent.

Ms. Maria Esparza, 10807 Carvel Street, Houston, Texas 77072 (281-564-6576) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Alvarado, Sekula-Gibbs and Robinson absent.

Mr. Prader Brown, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Alvarado, Sekula-Gibbs and Robinson absent.

Mr. Chidi Chuta, 90 North Point Dr., No. 1010, Houston, Texas 77060 (281-216-6034) appeared and stated that he was the owner and operator of Freedom Cab Company, that he had a copy of a paper issued by the administration of Intercontinental Airport and he wanted to pass it around to the Mayor and Council Members, that the paper was issued on July 9, 2002, that the paper was an authority allowing the limousine drivers to go into the terminal and get their trips, that the paper put the limousine drivers at an advantage and then the rest of the transporters were placed at a disadvantage, that all he wanted to know if the City Council was aware of the paper. Council Members Galloway, Goldberg, Ellis, Keller, Sekula-Gibbs, Berry and Robinson absent.

Mayor Brown stated that the Council Members would not necessarily be aware of every document that was put out by the Aviation Department and asked Mr. Chuta what it was that he wanted the Council Members to know, and Mr. Chuta stated that he wanted to state that the issue of that authority was very unlawful because it did place the limousine drivers at an

advantage and gives them the authority to go into the airport for trips, that the rest of the cab drivers and cab lines were only making one trip per day, while the limousine drivers made as many as nine trips per day, that it was not fair and on the one hand it was against the ordinance, and continued to voice his personal opinions until his time expired. Council Members Galloway, Goldberg, Ellis, Keller, Sekula-Gibbs, Berry and Robinson absent.

Council Member Parker stated that they regulated the limousine industry just as they regulated the taxicab industry, they had different rules, for example they had to rent two hours at a time and they specified their minimum amount that they could charge and they also had different rules at the airport, that she had met with a number of representatives from the cab industry who were concerned about illegal solicitations, they did not want the limo drivers down there soliciting passengers, that the new rules require that they have a manifest with a passengers name and that the manifest be checked going in and going out, that if they solicit a ride from someone and that passenger wants to lie about whether they were actually the name on the manifest, there was really not a whole lot they could do about that, but she believed they put adequate safeguards in to prevent limo drivers from going in and making illegal solicitations to the disadvantage of the cab industry, that they were aware and it had taken them some time since September 11th to get the limo drivers back in the airport but that was part of the service that they offered, that they believed they had put in safeguards and if Mr. Chuta had concerns about it if he would work through their cab associations, who met regularly with the Aviation Department, she thought he could have his concerns addressed. Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that Mr. Kenneth Brooks, Aviation Department, would met with him and listen in detail to what he was concerned about and report back to him. Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Sekula-Gibbs, Berry and Robinson absent. (NO

QUORUM PRESENT)

Mr. Andy Wiltshire, 12210 Wood Bayou Dr., Houston, Texas 77013 (713-455-8875) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Sekula-Gibbs, Berry and Robinson absent. (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. Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. J. Hurt, 3310 Alice Street, Houston, Texas 77021 (713-747-7411) appeared and stated that he was Vice President of the Hurt Company, Inc. located at 3310 Alice Street, that he had some photos to pass out to the Council Members, that it was out of sheer frustration and desperation that he was present, that they had moved into that part of town in the 3300 block of Alice Street about three years ago, he moved his company there, and in the last three years they had fought a constant battle to get the City to provide them with basic City services that their taxes paid for and they were not receiving, that what he had passed out were photos of illegal dumping that had taken place in the 3300 block of Alice and they could see by the photos that it was the main street, a one block street, that dead ended into their property, that they could see by the photos that it was horrendous in terms of the amount of dumping and it was the street that led into their corporate facility, that they had guests from out of town and all over the Country who came and visited them and he was constantly having to apologize for the condition of their street as they entered their facility, that it was disgraceful and much of the trash they had seen dumped had been there for literally months and months, and most recently a huge pile of trash that they could see in the middle of the street next to a police car, blocked the right-of-way of the street such that their 18 wheel petroleum trucks were not even able to drive down the street, they were

not getting fifth service day treatment on that street and were also not getting any heavy trash pickup on the third Tuesday, that basic City services of maintaining and mowing the ditches, maintaining the streets and most of all picking up the garbage were not being done, that Solid Waste simply had not done their job, that he needed the Council's help and Council Member Edwards help in terms of trying to get it corrected, not just now, but on an ongoing basis, because it was deplorable, that he would ask them if it was the street that lead to City Hall would they be satisfied with that level of street condition, and he suspected that answer would be no, that he needed their help and needed it to be corrected, that wanted to compliment a woman named Alice Coffee who he understood was assistant to the Director of Solid Waste who was very helpful yesterday in helping to get the majority of the trash picked up, but that did not solve the problem, it was an ongoing problem of dumping and cleanup and the immediate solution, by virtue that he signed up to speak at the public session and made some calls to the Mayor's office, which he had been doing for several months and finally got response once he signed up to speak today, that he was frustrated and if he could get the City's help from Solid Waste and his Council Members help in terms of getting it corrected on a regular basis he would appreciate it. Council Members Goldberg, Ellis and Parker absent.

Mayor Brown stated that Ms. Coffee was present and would met with him and make sure they had a continuous response to his problem and the concern that he brought to them. Council Members Goldberg, Ellis and Parker absent.

Council Member Edwards stated that her office would be of assistance to him, but they needed to know the problem and asked if his first contact with her office was yesterday, and Mr. Hurt stated that it was his first contact, and Council Member Edwards stated that as soon as her staff was made aware of the problem yesterday they called the appropriate people and tried to get relief, but they would make sure his trash was picked up in an appropriate manner and that was what they were there for, and Mr. Hurt stated that J. P. in her office was very helpful, but

they had contacted the City of Houston with Rat on a Rat Program, they contacted Clean Houston and talked to the Mayor's office, and Council Member Edwards stated that if he wanted their office to assist him to just call them and they would be there to work with him and would make sure they followed up so it did not occur in the future. Council Members Goldberg and Ellis absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Hurt stated that they were the only business on the street and that was part of the problem, that the street was one block and they turn off of Peerless and go down, that it was woods basically left and right and the street dead ends into Highway 288 and they were basically right on the edge of Highway 288, that it was a dark street and poorly maintained and it was a great place to go dump, and he did not recommend to anybody, but it was a great place to go dump because it was pretty private, that the police patrolled the area regularly and his employees had been paid rewards from the Rat on a Rat Program on three different occasions for actually catching people illegally dumping on the street, because their trucks were out 24 hours a day, that he had no issue with the police in terms of their patrolling area, they were doing all they could, and Council Member Sekula-Gibbs asked if the Police Department had their own truck, and Council Member Parker stated that it was part of Operation Renaissance and it was Solid Waste trucks that came out with the Police Department. Council Members Taro, Goldberg, Ellis, Vasquez and Quan absent.

Pastor Aubrey Vaughn, 5025 Telephone Rd., Houston, Texas 77087 (713-644-4882) had reserved time to speak, but was not present when his name was called. Council Members Taro, Goldberg, Ellis, Vasquez and Quan absent.

Reverend James McKenzie, 4315 Rawley, Houston, Texas 77020 (713-673-7832) appeared and stated that he wanted to thank the Mayor and City Council for their commitment to the community, that he wanted to thank his district Council Member Galloway, that there were

several problems that they were having in their community, that he lived on Waco off of Highway 1-10, that they had numerous problems with break ins and vandalism of property, that they had a nice community and were being blessed truly by God to move forward and out of the mentality of poverty and they wanted to keep their community that way, they had incidents of men coming in with loud music, that on several occasions they had called the law enforcement and seemed to not get any kind of response, that they had on one occasion, August 24, 2002, they had a young lady that was raped a couple of weeks ago, that his neighbor called the law enforcement and did not get a response until an hour later, that he was present to ask for assistance from the law enforcement and see if they could get more patrols, that they also had a lot of issues with people speeding and maybe they could get a speed zone of 5 mph sign put up because the area where they lived in was in a horseshoe shape when they came in and there was no exit and they had children there, that he was just asking for their support and help because he knew that they were committed to helping the community and he was asking knowing that he had children and they needed more response from the Police Department for those type of matters, that he had girls at his house and really thought the matter should be looked at, that he had talked to one of the officers yesterday and they assured him that they would start getting more patrols, that he was not only pleading but asking as a dedicated member to the community and to society knowing that they all needed one another, that it took a village to raise their children and he was asking all of the Council Members to take that into effect. Council Members Taro, Goldberg, Wiseman, Keller, Vasquez and Quan absent.

Upon questions by Council Member Galloway, Reverent McKenzie stated that the rape took place approximately between 10:00 a.m. and 12:00 p.m., that it was a Saturday morning, that they were near the police station on Waco and Lyons, and Council Member Galloway stated that they had a new program being implemented in the Fifth Ward area called the Weed and Seed, where they were going to weed out crime and she would like for him to get involved in it because they had been working very diligently in that area because they knew there was a high rate of

crime in that area, to eliminate the drugs and prostitution, that if he noticed that had been kind of cleared up in that area as well, that she would like for him to work with her office and he could contact her office any time so they could work together to get these things weeded out as they say with the new Weed and Seed Program, that it was going to really help and be beneficial to the community, that he would like for him to meet with one of her staff so he could get all of the particulars. Council Members Taro, Goldberg, Wiseman, Keller, Vasquez, Quan and Robinson absent.

Mayor Brown stated that he understood Reverend McKenzie had been contacted by a Sergeant and they indicated they would have more patrol out there, that if he found out that was not working to give the Police Chief a call or the captain in that division. Council Members Taro, Goldberg, Wiseman, Keller, Vasquez, Quan and Robinson absent.

Mr. Roger Gage, P. O. Box 945, South Houston, Texas 77587 (713-946-5400) appeared and stated that he made a copy of what he was present to talk about, that he had been present about the City Zoo, that the thing had stagnated and they filed Chapter 11 and then went Chapter 7, that he needed someone to put a little pressure on the bonding company because they were not stepping up to the table, that it was supposed to be coming up for trial and the City usually gets good bonding companies to pay their bills, that they needed to pay their bills and there was over a quarter million dollars in the City till and right now the bonding company was asking to pay two other invoices on another project that did not involve this job and he had spoken to the City's attorney and he did not think that the City Council would want to back taking money from one place to another when there was still not enough to pay the bill, that he was looking forward to the City putting a little pressure on those people to take care of their obligations, that it had just about exhausted him, he was not bidding any other City jobs, that he would like to but he had to go to the bank and borrow money, that he bonded his job, his part, so he was obligated to pay the bills and pay the labor, that he paid everybody and borrowed money from the bank, that if the

bonding company took the money and put it somewhere else what obligation did they have to him, they could tell him to go fly a kite and he had to take them to federal court and they moved it from one court to another, that it just so happened that last week he did Lincoln Park and they filed bankruptcy too, so there was not very much money over there, it was not a big deal, that they needed to look forward to trying to put a little pressure on the bonding company, that last Tuesday his bonding company, Cumberland, said that they would contact his lawyer on Friday about paying him and they did not call, that his lawyer called yesterday and they did not return the call, so he really would appreciate their looking into it and make these people take care of their obligation so that they could go forward. Council Members Taro, Goldberg, Wiseman, Keller, Vasquez, Quan and Robinson absent.

Mayor Brown asked Mr. Bibler what was the issue here that they needed to know about, and Mr. Bibler stated that it was an unfortunate situation and Mr. Gage had been present before and they had discussed it previously, he had Mr. Helms and Mr. Pourteau present who were familiar with the case if they wanted to go into it in detail or he could ask them to visit the Council Members who had inquired after the meeting, and Mayor Brown asked if it was a City issue that they needed to be involved in and Mr. Bibler stated that it was in the sense that it was a City job, there was a payment and performance bond, there appeared to be some issue that Mr. Gage apparently helped the prime get the performance and payment bond and so he kind of bonded himself and he thought that was part of the problem and had turned into a lawsuit and also turned into a bankruptcy and they could spend as much time on it as they wanted to but it was a big mess. Council Members Taro, Goldberg, Edwards, Wiseman, Keller, Quan and Robinson absent.

Mayor Brown stated that he would ask Mr. Pourteau to meet with him, and Mr. Gage stated that he would like the City Council to check on it, and Mr. Bibler stated that they could visit with Mr. Gage briefly but he was represented by legal counsel so they were really not in the position to

discuss anything substantive about it with him unless his counsel was present or gave them permission. Council Members Taro, Goldberg, Edwards, Wiseman, Keller, Quan and Robinson absent.

Ms. Adjua Umoja, 6614 Hornwood, Houston, Texas 77074 (713-270-8000) appeared and stated that she was present to hopefully say something to make them take notice of a very egregious and tragic situation and ultimately that they would hold someone accountable for allowing it to happen and then attempting to cover it up by telling her they did everything humanly possible for her son so go away, to go and lick her wounds and get over it, that there was nothing else they cared to do for her, that she would not go away, that her son was in pain and his little heart had been broken and the trust that he once had in the Police Department had been shattered to pieces, so she would not simply be going away, that she intended to stand tall, to cry loud and show the wicked and corrupt Police Department their transgressions which culminated in a child rapist going free, that yesterday she met with Assistant Police Chief Jones and presented him irrefutable evidence that HPD Officer Julie Anderson had been deliberately negligent and derelict in her duties relative to the criminal investigation of her six year old's complaint for sexual assault, that yesterday the police department made it clear to her that they could live with the fact that a child had been raped because they did not have time to reopen an investigation just because a parent was not happy with their work, that she was present to ask each of the Council Members to hold each and every HPD Officer who had come into contact with her son's case accountable for allowing a child molester to remain free to rape someone else's child, merely because they were too arrogant to admit they made a terrible mistake in the course of investigating Carlos Rubio for raping his son when he was five years old, that yesterday the assistant chief said that it did not matter that he had absolute proof that Carlos Rubio lied to them in an effort to hide the fact that he raped her son, that she was told that her son's rape was not worthy of being reexamined because it was not cost effective and it would be harassment of Carlos Rubio, that she was told that Officer Anderson conducted an exemplary

and exhaustive investigation despite the fact that she failed to do absolutely anything to determine whether Carlos Rubio had lied to her about not raping her son and his purported reasons why she was making her child lie about him, that HPD did essentially nothing with the information they had, which could readily and easily been disproved in less than 30 minutes had they cared enough to get that child molester off of the streets, that arresting Carlos Rubio would not get them any press or notoriety, like arresting the South Park Mexican, they decided to give Carlos Rubio a get out of jail free card and then summarily trashed the investigation of her son's rape case, that she was present today so that justice might finally be done for her son, that she was present today to hopefully prevent some other parent from having to learn that their child had been victimized by a known child molester, that she was present today to illuminate the fact that there was something terribly wrong with law enforcement in their City, that she did not have the power to fix the problem but they did, that she was asking them to fix the problem before another child was raped.

Mayor Brown asked Ms. Umoja what it was specifically that she would like the Council to do and asked if it was correct that the case did go before a grand jury, and Ms. Umoja stated that it went before a grand jury with misinformation, that it took a month for the police to finally get around to talking with Mr. Rubio because he was sick, too busy or wanted to hire a lawyer, and he never did, he finally gave a statement which he refused to sign, that he refused to take a polygraph test, that he told Officer Anderson that she was making it all up, that she was mad because he dumped her after she bought him a truck, that she was mad because he duped her into putting \$800, that all of that was left in the report and the report went to the Grand Jury and those people were so confused with all the hearsay back and forth, that she did not buy him a truck, a women by the name of Diedra Tyson bought him a truck but no one thought it prudent enough to punch up in DPS and figure out who the plates belonged to, that no one ever gave her a phone call, she found it all out on October 5, 2001 when the case was no billed, and Mayor Brown stated that Assistant Chief Storemski would meet with her and follow through on anything

that needed to be followed through on, and Ms. Umoja stated that she met with Chief Jones yesterday and he told her that they were not going to do anything, and Mayor Brown stated that they would ask him to take another look at it. Council Members Goldberg, Wiseman, Keller, Berry and Robinson absent.

Council Member Quan stated that Ms. Umoja could also go to the District Attorney's office if she had new evidence. Council Member Goldberg absent.

Ms. Rebecca Farrington, 2800 Jeanette, Unit 2108, Houston, Texas 77063 (713-972-115) appeared and stated that she was present in support of what the police officers did at the Kmart parking lot off of Westheimer, that she lived off of Westheimer and she may not have all the facts, just from what the local news she had been watching on television, however she just felt she knew a lot of what was going on, that Westheimer was atrocious, just trying to drive in all of the traffic and when a lot of teenagers came from all over the City and chances were they were drinking alcohol and probably doing drugs, it was very intimidating to people who were trying to probably go to Kmart, that a lot of people in that area walked and they had little children and could not even cross Westheimer, that she just wanted to say that she supported what they did. Council Members Goldberg and Alvarado.

Mr. Preston McGowen, 7985 Cinderella, Houston, Texas 77028 (713-675-9371) appeared and stated that he had a problem with weeds and he displayed pictures of the weeds, that they had not been cut this year, that they cut the ditches but the weeds had not been cut, that at 7981 Cinderella was a crack house and the City dozed it down a couple of years ago and he appreciated that, but the weeds were from 12 feet to 15 feet tall, that he had a tractor and a machine to cut it down and would start to cut it down Friday morning if he got the permission, and on the lots he was going to check on the taxes, that there were four lots and he wanted to get rid of the weeds and try to get some kind of consideration about it. Council Members

Goldberg, Keller, Alvarado and Berry absent.

Mayor Brown stated that Mr. Greg Simpson, Neighborhood Protection was present and would meet with him and work with him in accomplishing his objective. Council Members Goldberg, Keller and Berry absent.

Mr. Christopher Okafor, 8802 Pecan Street, Houston, Texas 77071 (713-478-1948) had reserved time to speak, but was not present when his name was called. Council Members Goldberg, Keller and Berry absent.

Ms. Gwendolyn Crawford, 3114 Gray, Houston, Texas 77004 (713-659-1309) (713-631-1813) appeared and stated that she had sent a letter a while back concerning support and hoped that some of the no's had changed to yes for HB40 for a research study and was present to see if anybody had a change of heart and changed their no's to yes to support HB40 because she believed that the final decision would be through the Congress but to have the City Council support would be very important, that she knew that each and everyone of them understood what it meant to have support, because people supported them and worked for them in the neighborhoods and stuff to get them into office and asked if anyone read her letter and had they had a change of heart, and Mayor Brown stated that apparently not. Council Members Goldberg and Keller absent.

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-697-0958) had reserved time to speak, but was not present when his name was called. Council Members Goldberg and Keller absent.

President Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) had reserved time to speak, but was not present when his name was called. Council Members

Goldberg and Keller absent.

At 10:45 a.m. Mayor Brown stated that completed the Public Session and they would now hear from the City Controller and the Director of Finance and Administration on their Monthly Financial Report. Council Members Goldberg and Keller absent.

Council Member Parker moved to suspend the rules to consider Item Numbers 51 and 8 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Keller absent. MOTION 2002-1023 ADOPTED.

Council Member Robinson moved to suspend the rules to consider Item Numbers 6 and 6a out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Keller absent. MOTION 2002-1024 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 27, 28, 29 and 30 out of order, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Goldberg and Keller absent. MOTION 2002-1025 ADOPTED.

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

Ms. Sylvia Garcia, City Controller, stated that she was pleased to give them the July 2002 Financial Report for the City, that it was the first month of their current Fiscal Year 2003, that her remarks would be pertaining to the General Fund, that first as to the Fiscal Year that just ended, their estimates indicated that the Fiscal Year 2002, ending Undesignated Fund Balance would be

\$80.1 million, that completed the Fiscal Year at virtually a 7.5% fiscal cushion for excess Reserve Fund Balance, the \$80.1 million represented 7.47% excess Fund Balance, just shy of the 7.5% mandated by the Council's actions, that it did not include the amount designated for the Rainy Day Fund and the Sign Abatement Funds, that the amount represented a \$2.4 million downward figure adjusted from last month's report mostly due to Sales Tax numbers, which were lower than anticipated and less than August of 2001, that as to the projected revenues for the General Fund for 2003, the projected net activity for Fiscal Year 2003 allowing for the budgeted Any Lawful Purpose Fund transfer of \$4.1 million was at a \$26.3 million shortfall, that on June 17, 2002 they published the Controller's Annual Trans Report projecting their General Fund Revenue's estimates for FY2003 those were at \$1,412,502,000, which included the \$4.1 million transfer from the Any Lawful Purpose Fund, the administration's projections were at \$1,427,173,000 and the City Council actions by adopted the FY2002 budget were based on the administration's projected revenues, this month's Monthly Financial and Operations Report incorporated the Trans revenue projections and lowered their estimate of Property Tax Revenue's by \$10 million, as detailed in the memorandum to Council Member of August 16, 2002, that as stated above the August sales tax allocation received was \$2.6 million or 7.7% below that of a year ago, that if this trend were to continue it would have a significant negative impact on their revenue projections and revenue stream for FY03, they would therefore continue to closely monitor their Sales Tax Revenues, Municipal Courts Fines and Forfeitures and of course the Property Tax receipts, they would keep them informed as events occurred and that concluded her report. Council Member Goldberg absent.

Dr. Scheps stated that there were really only three changes to budgetary expectations that they had included in the report, because they were only one month in the fiscal year, that one was the Property Tax where they were showing a \$7 million decrease versus the Controller's \$10 million, that they did get a new revised bit of information from the Appraisal District with the certified tax roll and as he told Fiscal Affairs yesterday, they might be interested to know that

Council Member Ellis early estimate was based on information that they had early in the budget process of \$103.5 billion tax base, that they had lowered that before the Mayor's proposed budget even came out, so that was why they were dealing with, in their view, about a \$7 million shortfall relative to budget, that all of that based on HCAD estimates, that their differences were basically optimism relative to the delinquent tax collection process being conducted by the Tax Assessor Collector and Linebarger, as he thought they saw in a memo he sent out Friday; that another change, which was of no economic impact to the General Fund but was to the Aviation Fund, was the revision of the Airport overtime and it passed through the General Fund, so where as last year they had to constantly say they were \$8.8 million above budgeted expenditures, both in revenues and expenditures, this year, because they found a more efficient way to handle overtime they now had to reduce that, so they had taken \$6 million out and again it was a pass through to the General Fund and would merely confuse the report every month because they had to deal with that, that it was a great economic cost to the Airport, because they were really bearing the brunt of that; that the only other change they had was in General Government, where they had to set up an appropriation source for the Sales Tax money they were going to pay back based on Reliant Stadium opening up, the Sales Tax in there and the Rodeo this year went into the financing plan for the stadium and they had not properly accounted for that in the budget; that he wanted to call their attention to the Performance Measure graphs in the back, they had expanded them and tried to make them more informative and added some things that they thought would be of importance to them as the year went on, and that concluded his report.

Mayor Brown asked when they would receive Mr. Barton Smith's next projection, and Dr. Scheps stated that it was due September 1, 2002, so it could come in any time this month, he was working on it, that it was really Metro's report, but they got it, that he was asked yesterday whether Mr. Smith could come back to Fiscal Affairs and it was up to the chairperson but he would be willing to come back to Fiscal Affairs or to City Council. Council Member Goldberg absent.

Council Member Tatro stated that as a point of reference, he did not know if it was precedent but it was obviously not a good omen when they start the budget year on the budget they passed with the Controller's and F&A Department, the administration, being so far off in revenues, that he believed it was around a \$20 million differential in revenues, and Ms. Garcia stated that it was \$14.5 million, that obviously this month they had an adjustment in the Property Tax and he did not think it was a good footprint and push off for the financial year to be starting with such a significant variance, that he thought it was a significant indicator of projection ahead. Council Member Goldberg absent.

Upon questions by Council Member Vasquez, Dr. Scheps stated that as to the Water and Sewer System interest rate swap, the policy was in draft form and could be presented sometime in the Fall, that it was a very tricky business and they had to make sure that the Mayor and Controller agree with and they had financial advisors and underwriters who had ideas, that his group was spearheading that but there was always collaboration between the Controller's office and other consultants as well, and Council Member Vasquez stated that he would like from each of them a detail of their method which they used to calculate revenues so he could look at those two methodologies, that he continued to be concerned about the overlays, that on page 56, where they had Public Works performance measures they actually reduced the target role in order to meet the goal, quite frankly, rather than increase productivity and efficiency they reduced the goal to meet it and then they ended the contracts to make them all in house, and they were not able to keep up to begin with and now they added additional on top of that, that as a District Council Member he continued to be concerned about the way overlays were going to be addressed and how that was going to be taken care of and whether or not they were actually going to be able to meet that goal, that there was also a concern on his part of the quality of the overlay, from the contract to the in house, that in house did spend as much time repairing the base necessary to make sure that those roads and asphalt overlays lasted a longer period of

time, so he would like to have some briefing, whether it be from Public Works or Dr. Scheps office on how they were going to handle it, but he was also interested in the fiscal implications in terms of what it meant for the overall budget as well. Council Members Galloway and Parker absent.

Council Member Ellis asked if Council Member Vasquez was talking about the Water and Sewer bond swap and Dr. Scheps stated yes, that they were working on a transaction that City Council authorized in January, but what Council Member Vasquez was asking about was sort of a overall policy, for instance, would they limit exposure to a particular firm, would they limit leveraging, just some examples of how they could set a policy, limit the term of a swap, every time they changed those and it was sort of untried territory for them so they were working on a policy to add to their Debt Policy, and Council Member Ellis stated that it concerned him a little bit from the standpoint that some bond swaps would be better if they were shorter termed and some would look better if they were longer termed, so why would they restrict themselves with that type of policy at this time, that he would like to weigh in on that policy and assumed they would get to vote around Council and Ms. Garcia stated that it was being developed and there was nothing to put on the table yet, they still had yet to formulate something for even them to look at, but thought all of them would get a chance to look at it; and Council Member Ellis stated that as to the Ad Valorem Taxes, he saw where F&A made an adjustment of \$7million and the Controller's projections had dropped \$10 million and asked if it was based on their collection rate or their belief in the delinquent tax collections, the \$3 million variance, and Ms. Garcia stated that it was a combination of both, they were using different collection rates, that as they responded at Fiscal Affairs yesterday, she was preparing a detailed memorandum on that, rather than just send it to Council Member Vasquez at his request, they were going to send it to all of Council, that Dr. Scheps would be doing the same thing so they could look at them side by side. Council Members Galloway and Parker absent.

Council Member Quan stated that on today they had on the agenda a consideration of a recommendation for an effective tax rate and asked what was the cost of one penny on the tax rate and Dr. Scheps stated it was \$9.7 million and at a hundred billion dollars it was \$10 million a penny minus the collection rate of 97%, so \$9.7 million, and Council Member Quan asked Dr. Scheps what did he see as the big challenge in the coming year, and Dr. Scheps stated that their shortfall was not \$14 million, he thought that was the disagreement, that they were showing only the \$7 million shortfall, at this point they were talking about a \$7 million decrease in revenues, retaining the current rate, which was in the recommended budget that the Council adopted so they were assuming that, that the challenges to him were again structural increases that exceeded structural revenues, that they were eight or nine months out from real revenue estimates but he could see about \$60 million to \$65 million in incremental revenue coming in, if they had a reasonable tax base growth and a reasonable Sales Tax growth, that he could see about \$80 million in structural expenses that they had to add, that Meet and Confer alone was \$36 million, that Health Insurance would go up 15%, they really could not avoid it, that Debt Service would go up \$10 million to \$12 million, that pensions for the first time since he had been doing it, were going to have a substantial increase, that they had the Municipal Pension that they had to deal with and that could be in the neighborhood of \$14 million, that the Council had approved some fire stations and that was \$3 million if it was for a full year, that they had to go into the operating budget assuming they wanted to put a fire truck in the fire station, so they put all that together and he was looking at a budget very early and very preliminary, it was not a forecast, with a gap in it which was maybe similar to a \$20 million gap, but now they had raised fees and they were not going to be able to as easily come in and find in new revenues next year and now they had decreased staff substantially because of last year, so that would not be quite as easy to do, and Council Member Quan stated that he just wanted the public to understand what they were looking at right now and what the impact would be if they were to change the effective tax rate from what they were looking at this time, that it was easy to talk about lowering taxes all the time, but when they were looking at what they had to deal with on a regular basis,

year in and year out, it was difficult to accomplish that. Council Members Tatro, Wiseman and Alvarado absent.

Upon questions by Council Member Sekula-Gibbs, Dr. Scheps stated that as to Property Tax Revenue year to year there would be an increase, and Council Member Sekula-Gibbs stated that as to Municipal Courts and Fines there was a \$10 million gap and she would personally ask Mayor Brown to send some of his best team to look at it and knew that City Council wanted to be a part of it, that she did not know if he would like a task force or some sort of committee but there was a big \$10 million spread there, that the trend over the last several years had not been good and if they did not do something the gap of \$10 million would not be reached. Council Member Galloway absent.

Council Member Edwards asked Dr. Scheps if he could include her office on the briefing regarding the overlays that Council Member Vasquez discussed, that it was a real concern of hers, and Dr. Scheps stated of course. Council Member Galloway absent.

Council Member Robinson stated that they were talking about a \$7 million deficit on his numbers, a significantly higher number and would like for him to just start gaming what they would do to bridge that gap, that Dr. Scheps said yesterday in committee that it was still early, that he would just like gaming the scenarios, what they would do if three or four months if the trends continued, that he did not want to wait until they were six months in, that he would like to game it from \$7 million up to the Controller's \$20 million just to see what their options were so they could start having a conversation, that he thought they had come a long way as a collective on Council in terms of all of them and they now appreciated Dr. Scheps talking to them through various scenarios, so he would like to start talking about those scenarios in Fiscal Affairs, that he would go to FY04, one of the things he did not see, and he had talked about it in the past and they had to take a serious look at it, they had obligated money to the Zoo in terms of the General

Fund, they obligated about \$1 million in the Parks Department to Miller Outdoor Theater and he did not see anything in his numbers that showed how much the Hotel Occupancy Tax was going to grow if they grew about \$9 million year over year, FY03 to FY04, if they took the Zoo and Miller off of General Fund and put them all on Hotel Occupancy, which they could do, that they would free up \$9 million, so instead of looking at a \$20 million spread they were now looking at about an \$11 million spread in terms of manageability for FY04 and they could do cost containment and some other cuts, things they had talked about, that Dr. Scheps mentioned \$36 million for Meet and Confer, that if it was just police it was going to probably be a bigger number, that they kept having essentially a static model, and asked if Mr. Haines could tell him what were all the projects relating to housing, that he knew it was early in FY03 but he really wanted to see what they were going to do; that an underlying issue for him was that nothing in their FY04 presentation talked about what he thought was the most important thing, the City Charter limitation on how much they could spend on O&M out of their Property Tax Rate, they were at 47.5 in FY03 if they adopt the rate today, Item No. 6a, and in their structural growth what was their Operating going to be, was it 47, 48 or 49 cents out of whatever the tax rate was going to be, how close would they be in FY04 to their 50 cents operating cap and if they could talk about those thing in the next couple of months and one on one he really would appreciate it. Council Member Alvarado absent.

Council Member Vasquez stated that he agreed with Council Member Robinson's comments about starting to game it for next year, but he thought they needed to start with this year as well because if they were going to end up at an optimistic projection of \$5 million or \$7 million short but at the pessimistic level of \$20 million short, they needed to start figuring out how they were going to handle that right now, because next year would just add on top of that, that he was very concerned that they came up with a plan that did not affect basic City services, so he would propose that they look at cutting bureaucracy, he knew they did a very good job right now with holding the line on employment but would suggest they would come up with a strategy now

that was going to carry them through the next couple of years as opposed to having to deal with it on a year to year basis, and with that he would also like for Dr. Scheps to update the Five Year Budget Projections, and Dr. Sheps stated that he intended to and would get them to Council Members, and Council Member Vasquez stated that he would like for him to make it with all the available information, that he would make the assumption that it was going to be 15% increase on the Health Benefits, he could add the police there and make some assumptions about fire as well, that they needed to begin to get a total picture of what it was going to look like in the next four or five years, as opposed to just getting by year to year and putting such a tough crunch in the second half of the year on City services, so he would ask that he get to them as quickly as possible. Council Member Berry absent.

Council Member Parker stated that she did want to point out that Dr. Scheps had scheduled a discussion of upcoming budget stresses for yesterday's Fiscal Affairs meeting, but they deferred that to the next meeting, that it was his intention to bring it up, and moved to accept the financial report, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-1026 ADOPTED.

Mayor Brown stated that he wanted to recognize former Council Member John Castillo who was present in the audience. Council Member Berry absent.

51. CONFIRM the appointment of either **MR. VIDAL G. MARTINEZ** or **MS. JANIECE M. LONGORIA** to Position 7 of the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, TEXAS**, for a two year term – was presented.

The roll was called for selection of either Mr. Vidal G. Martinez or Ms. Janiece M. Longoria for the appointment for Position 7 of the Port of Houston Authority of Harris County, Texas.

ROLL CALL

Mayor Brown – Longoria	Council Member Vasquez - Martinez
Council Member Tatro - Martinez	Council Member Alvarado - Longoria
Council Member Galloway - Longoria	Council Member Parker - Longoria
Council Member Goldberg - Martinez	Council Member Quan - Longoria
Council Member Edwards - Longoria	Council Member Sekula-Gibbs - Martinez
Council Member Wiseman - Longoria	Council Member Berry - Longoria
Council Member Ellis - Martinez	Council Member Robinson - Longoria
Council Member Keller - Martinez	

Council Member Keller moved to confirm the appointment of Ms. Janiece M. Longoria to Position 7 of the Port of Houston Authority of Harris County, Texas, seconded by Council Member Robinson. All voting aye. Nays none. MOTION 2002-1027 ADOPTED.

Council Member Keller moved to suspend the rules to hear from Ms. Janiece M. Longoria, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1028 ADOPTED.

Mayor Brown requested that Ms. Longoria come to the podium and address the City

Council.

Ms. Longoria stated that she looked forward to making a positive contribution to the Port of Houston and looked forward to the support of each and everyone of them in that endeavor.

Council Member Vasquez stated that he wanted to congratulate Ms. Longoria on her appointment and knew that she would serve hopefully with a lot of positive enthusiasm and do a great job for all of the City, that he wanted to thank Mr. Roland Garcia for his effort and his service to the City overall, that hopefully there would be a spot for him someplace on some committee that was worthwhile for his effort and worthwhile for the City and all that he did for the City, that he also wanted to recognize the effort and contribution made by Mr. Martinez for his years of service on the Port and all that he had done for the City.

Mayor Brown stated that he also wanted to express their thanks to Mr. Martinez for his service to the Port, the City and the County.

Council Member Sekula-Gibbs stated that she wanted to welcome Ms. Longoria and thought that she would have a great experience and bring a lot of talent, that she also wanted to thank Mr. Martinez for 8 years of diligence and hard work that he had provided to the Port of Houston.

Council Member Berry stated that he wanted to congratulate Ms. Longoria and wanted to thank Mr. Martinez and Mr. Garcia.

Council Member Robinson stated that he wanted to congratulate Ms. Longoria and to thank Mr. Martinez for his service and Mr. Garcia for expressing his interest and looked forward to having the opportunity for everybody to continue to serve the City.

8. RECOMMENDATION from Director Planning & Development Department for approval of revised Platting Fees Schedule – was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1029 ADOPTED.

6. RECOMMENDATION from Finance & Administration Department that the City Council receive the Effective Tax Rate and the Rollback Tax Rate calculated for the Tax Year 2002 in accordance with the provisions of Section 26.04(c) of the Texas Tax Code – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Members Tatro, Berry and Keller.

- 6a. ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2002 – was presented, and tagged by Council Members Tatro, Berry and Keller.

27. ORDINANCE approving and authorizing sixth contract amendment between the City of Houston and **NATIONAL ASSOCIATION OF MINORITY CONTRACTORS - HOUSTON CHAPTER**, to extend the contract term and provide an additional \$508,000.00 of Community Development Block Grant Funds for the continuation of an Emergency Home Repair Program – was presented, and tagged by Council Member Edwards.

28. ORDINANCE approving and authorizing sixth contract amendment between the City of Houston and **HOUSTON AREA URBAN LEAGUE, INCORPORATED**, to extend the contract term and provide an additional \$484,400.00 of Community Development Block Grant Funds for the continuation of an Emergency Home Repair Program – was presented, and tagged by Council Members Edwards and Keller.

29. ORDINANCE approving and authorizing fourth contract amendment between the City of Houston and **HOUSTON HOUSING FINANCE CORPORATION**, to extend the contract term and provide an additional \$363,000.00 of Community Development Block Grant Funds – was presented, and tagged by Council Member Edwards.

30. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON AREA URBAN LEAGUE, INCORPORATED**, to provide \$184,500.00 in Community Development Block Grant Funds for the administration of the “Home of Your Own Homeownership Program” for qualified disabled, low and moderate income homebuyers – was presented, and tagged by Council Members Edwards and Keller.

CONSENT AGENDA NUMBERS 1 through 50

MISCELLANEOUS – NUMBER 9

9. RECOMMENDATION from Chief of Police for Extension of Injured on Duty status for Police Officer **CINDY B. SCHROEDER** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1030 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 18

11. **AMEND MOTION #98-1557, TO EXTEND** expiration date from September 30, 2002 to January 29, 2003, for Gate Operator Components, Parts and Repair Contract for Department of Aviation, awarded to **HOUSTON EQUIPMENT CO.** and **AUTOMATED**

ACCESS SYSTEMS, INC – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1031 ADOPTED.

12. **SUNBELT RENTALS, INC** for Emergency Installation and Rental of Scaffolding at the Police Department Headquarters, 1200 Travis for Building Services Department - \$150,504.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1032 ADOPTED.

14. **GBS ENVIRONMENTAL, INC** for Asbestos Abatement and Demolition Services for Planning and Development Department - \$28,250.00 and contingencies for an amount not to exceed \$29,662.50 - Dangerous Building Consolidated Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1033 ADOPTED.

15. **RSC ACQUISITIONS DBA REX SUPPLY** for Milling Machine and Band Saw for Solid Waste Management Department - \$26,700.00 - Solid Waste Consolidated Construction Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1034 ADOPTED.

16. **WESTERN REFUSE & RECYCLING EQUIP., INC** - \$65,000.00, **HI-WAY EQUIPMENT CO., INC** - \$38,265.00, **LONE STAR TRUCK CENTER** - \$143,384.00 and **TRUCK PARTS SPECIALISTS** - \$30,750.00 for Equipment, Special Truck & Body Contract for Various Departments - \$277,399.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1035 ADOPTED.

17. **TURTLES & HUGHES, INC** for Conduit and Electrical Tubing, Galvanized and Aluminum Contract for Various Departments - \$274,634.60 - General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1036 ADOPTED.
18. **RIDLEY’S VACUUM & JANITORIAL** - \$44,011.31, **TENNANT SALES AND SERVICE COMPANY** - \$44,832.00, **UNISOURCE WORLDWIDE** - \$47,848.40, **OLS MAINTENANCE SUPPLY, INC** - \$52,568.00 and **SANITARY SUPPLY COMPANY, INC** - \$102,143.00 for Floor Maintenance Equipment and Accessories for Various Departments - \$291,402.71 - General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1037 ADOPTED.

ORDINANCES - NUMBERS 20 through 45

20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the excess, fee-owned West Tidwell Road Street right of way containing 3,686 square feet of land, more or less, being part of Lots 7 and 8, Block 36, Third Subdivision of Fairbanks Suburban Townsite, Houston, Harris County, Texas; vacating and abandoning said tract of land to Karl A. Smith, the abutting owner, in consideration of owner’s payment of \$11,058.00 and other consideration to the City - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0814 ADOPTED.
21. ORDINANCE consenting to the addition of 2.032 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays

none. ORDINANCE 2002-0815 ADOPTED.

22. ORDINANCE releasing certain territory in Fort Bend County in the vicinity of the City of Katy, Texas, from the extraterritorial jurisdiction of the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2002-0816 ADOPTED.

24. ORDINANCE approving and authorizing lease agreement between **ADMIRAL LINEN AND UNIFORM SERVICE, INC**, as tenant, and the City of Houston, Texas for a tract of land out of Block 328, Houston Heights Addition, John Austin Survey, Houston (3602 Center Street) **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2002-0817 ADOPTED.

25. ORDINANCE approving and authorizing an Occupancy Agreement between **PEOPLE IN PARTNERSHIP & COLLABORATIVE PARTNERS**, as occupant, and the City of Houston, Texas, as owner, for space in the Third Ward Multi-Service Center - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0818 ADOPTED.

33. ORDINANCE accepting a statue titled “Shady Grove” for display at Eleanor Tinsley Park **DISTRICTS H - VASQUEZ and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0819 ADOPTED.

34. ORDINANCE approving and authorizing interlocal agreement between City of Houston and **TEXAS DEPARTMENT OF PUBLIC SAFETY** for Major Accessory Shop Enforcement/11 Grant relating to the Texas Automobile Theft Preventive Program – was presented. All

voting aye. Nays none. ORDINANCE 2002-0820 ADOPTED.

35. ORDINANCE approving and authorizing application to the **U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA)**, to fund the 2002 Bulletproof Vest Partnership Grant Program; declaring the City's eligibility for such grant; authorizing the Houston Chief of Police to act as the City's representative in the application process; authorizing the Chief of the Police Department, or any designated assistant Chief of the Police Department; to accept such funds and to apply for and accept all subsequent awards, if any, pertaining to the application – was presented. All voting aye. Nays none. ORDINANCE 2002-0821 ADOPTED.
36. ORDINANCE approving and authorizing grant agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Occupant Protection Selective Traffic Enforcement Program – was presented. All voting aye. Nays none. ORDINANCE 2002-0822 ADOPTED.
37. ORDINANCE approving and authorizing grant agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Safe Trucks Driven Safely Enforcement Program – was presented. All voting aye. Nays none. ORDINANCE 2002-0823 ADOPTED.
38. ORDINANCE approving and authorizing an Untreated Water Supply contract between the City of Houston and **C&L FINANCIAL GROUP, INC** - Revenue – was presented. All voting aye. Nays none. ORDINANCE 2002-0824 ADOPTED.
39. ORDINANCE appropriating \$100,000.00 out of Street & Bridge Consolidated Construction

Fund and approving and authorizing amendment to professional services contract (approved by Ordinance No. 00-0559) between the City of Houston and **URS CORPORATION** for the Design of Kingwood Drive Paving Rehabilitation, CIP N-0644G-01-2 (SB9104); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2002-0825 ADOPTED.

41. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **NEON ELECTRIC CORPORATION** for Lighting and Electrical Services for Houston Airport System Department - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2002-0826 ADOPTED.
42. ORDINANCE amending Ordinance No. 99-1051 to increase the maximum contract amount to contract between the City of Houston and **DUP'S INC** for Fuel Dispenser & Automated Network Systems Repair and Maintenance Service for Various Departments - \$198,000.00 - General, Enterprise, Fleet Management and Storm Water Utility Funds – was presented. All voting aye. Nays none. ORDINANCE 2002-0827 ADOPTED.
43. ORDINANCE appropriating \$4,810,307.00 out of Street & Bridge Consolidated Construction Fund, and \$1,964,020.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **CONTRACTOR TECHNOLOGY, INC** for Neighborhood Street Reconstruction (NSR 441A), GFS N-0374-02-3 (SB9054); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund **DISTRICTS D - EDWARDS and I - ALVARADO**

– was presented. All voting aye. Nays none. ORDINANCE 2002-0828 ADOPTED.

44. ORDINANCE appropriating \$2,187,551.60 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **GARVER CONSTRUCTION, LTD** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-R2-3 (WW 4258-12); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2002-0829 ADOPTED.

45. ORDINANCE appropriating \$1,377,992.04 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **TROY CONSTRUCTION, L.L.P.** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-T8-3 (WW 4235-23); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2002-0830 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1**, for terms to expire June 1, 2005:

Position Seven - **MS. VONN TRAN**, appointment

Position Eight - **MS. VALLI-MARIE REBSTOCK**, appointment

Position Nine - **MR. PETER OXMAN**, appointment

Position Ten - **MR. BILLY REED**, reappointment

Position Eleven - **MR. RALPH ADAMS**, appointment

– was presented.

Council Member Quan stated that he wanted to clarify, that he believed at briefing there were some questions as to what Harris County Municipal District Number 1 was, that the reality was that it covered the Memorial City area, so the people on the board were people who had a relationship to that area, that he had concerns and Mr. Calderon had been able to answer those concerns.

Council Member Quan moved Item No. 1, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1038 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER SEVEN, CITY OF HOUSTON, TEXAS (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE)**:

MS. ZINETTA BURNEY, to serve as Chair, for a term to expire December 31, 2002

Position Two - **MR. JAMES SMITH**, reappointment, for a term to expire

May 6, 2004

Position Four - **MR. BRIAN SMITH**, reappointment, for a term to expire May 6, 2004

Position Five - **MS. LORETTA HERPIN**, appointment, to complete an unexpired

term ending May 6, 2003

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

Vasquez. All voting aye. Nays none. MOTION 2002-1039 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT**

AUTHORITY:

MS. ZINETTA BURNEY, to serve as Chair, for a term to expire December 31, 2002

Position Two - **MR. JAMES SMITH**, reappointment, for a term to expire

May 6, 2004

Position Four - **MR. BRIAN SMITH**, reappointment, for a term to expire May 6, 2004

Position Five - **MS. LORETTA HERPIN**, appointment, to complete an unexpired term ending May 6, 2003

- was presented, moved by Council Member Quan, seconded by Council Member Ellis.

All voting aye. Nays none. MOTION 2002-1040 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER**

SIXTEEN, CITY OF HOUSTON, TEXAS (UPTOWN ZONE):

Position Three - **MR. MARTIN DEBROVNER** reappointment, for a term to expire 7/6/2003 and as Chair, for a term to expire 12/31/2002

Position Four - **MR. JUDSON ROBINSON, III**, reappointment, for a term to expire 7/6/2003

Position Five - **MS. MONIQUE MCGILBRA**, reappointment, for a term to expire 7/6/2003

Position Six - **MS. LISA MORRIS SIMON**, appointment, for a term to expire 7/6/2004

Position Seven - **MS. WAI CHENG MCKENZIE**, reappointment, for a term to expire

7/6/2004

- was presented.

Council Member Vasquez stated that he wanted some public clarification, that Position No. 5 had Ms. Monique McGilbra on it and wanted to get some comment from Legal about her role as a Director serving on this and at times when she should reclude herself, that he wanted some public clarification that it was Legal and okay for her to serve on the board and number two, that if there was an item that she would be voting that would compromise her position, that she would reclude herself.

Mr. Hall stated that he thought the answer to both would be yes, that it was Legal for her to serve on the board and she was obviously aware that if there was a conflict that could develop or should develop she would have to reclude herself.

After further discussion, Council Member Galloway moved Item No. 4, seconded by Council Member Robinson. Council Member Vasquez voting no, balance voting aye. MOTION 2002-1041 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointment of the following to the **UPTOWN DEVELOPMENT AUTHORITY**, for terms to expire December 31, 2002:

MR. MARTIN DEBROVNER to serve as Chair

Position One - **MR. ALBERT LUNA, III**, representing Texas State Senate District 6

Position Two - **MR. GERARD TORRES**, representing Texas House of
Representatives District 136

- was presented.

Council Member Keller moved to delete Position Two of Item No. 5, seconded by Council

Member Tatro. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2002-1042 ADOPTED.

Council Member Robinson asked if the reason they had a posting error was because there was no need to appoint somebody to Position Two because his term had not expired, that he was still serving, and Mayor Brown stated that was correct. Council Member Wiseman absent.

Council Member Sekula-Gibbs asked for clarification as to the error and asked if Mr. Torres still served a Representative to District 136 and Mayor Brown stated that Mr. Torres was appointed and his position was still current. Council Member Wiseman absent.

Council Member Keller moved Item No. 5 to confirm the appointment of Mr. Albert Luna, III, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2002-1043 ADOPTED AS AMENDED.

7. RECOMMENDATION from Director Housing and Community Development for approval of a Small Business Development Corporation Loan in the amount of \$644,000.00 to **RUBBER SPECIALISTS LTD., dba CUSTOM RUBBER PRODUCTS - DISTRICT H – VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2002-1044 ADOPTED.

ACCEPT WORK

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$584,002.60 and acceptance of work on contract with **INFRASTRUCTURE SERVICES, INC** for Construction and Installation of Speed Humps,

GFS N-0660-04-3 (C050148) - 23.07% under the original contract amount – was presented, and tagged by Council Member Galloway. Council Member Wiseman absent.

PURCHASING AND TABULATION OF BIDS

13. **TEXAS FIRE RESCUE, INC dba FIRE APPARATUS SPECIALIST** - \$406,625.70 and **EMERGENCY ONE, INC** - \$338,152.50 for Engine and Ladder Truck Repair Service for the Fire Department - General and Disaster Recovery Funds – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Robinson. Council Member Wiseman absent.

ORDINANCES

19. ORDINANCE amending City of Houston Ordinance No. 2001-807, as amended (The Master Classification Ordinance) by revising the Master Classification Listing to create five (5) new classifications, change seven (7) job titles, change fourteen (14) classification pay grades, delete six (6) classifications and delete eight (8) automatic increases, substituting the amended exhibits as part of the current Master Classification Listing; providing for severability – was presented, and tagged by Council Member Tatro. Council Member Wiseman absent.

23. ORDINANCE appropriating \$948,565.11 out of Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone) Tax Increment Fund (Fund 228); \$3,728,568.47 out of Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone) Tax Increment Fund (Fund 910); \$2,212,861.32 out of Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone) Tax Increment Fund (Fund 906); \$1,827,934.97 out of

Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone) Tax Increment Fund (Fund 908); \$895,108.45 out of Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone) Tax Increment Fund (Fund 911); \$1,684,766.37 out of Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone) Tax Increment Fund (Fund 915); \$307,646.34 out of Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone) Tax Increment Fund (Fund 907); \$208,163.49 out of Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone) Tax Increment Fund (Fund 913); \$2,352,410.94 out of Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) Tax Increment Fund (Fund 912); \$2,279,493.03 out of Reinvestment Zone Number Eleven, City of Houston, Texas (Greenspoint Zone) Tax Increment Fund (Fund 916); \$30,539.91 out of Reinvestment Zone Number Twelve (City Park Zone) Tax Increment Fund (Fund 917); \$303,631.02 out of Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) Tax Increment Fund (Fund 918); \$629,389.78 out of Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone) Tax Increment Fund (Fund 920); \$2,255,642.52 out of Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone) Tax Increment Fund (Fund 922); \$3,078.63 out of the Reinvestment Zone Number Eighteen (Fifth Ward Zone) Tax Increment Fund (Fund 924); and \$885,391.93 out of Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone) Tax Increment Fund (Fund 925) for affordable housing, administrative expenses, payment of project costs and payments to the Houston Independent School District, the Humble Independent School District, the Houston Housing Finance Corporation and certain Redevelopment Authorities – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2002-0831 ADOPTED.

26. ORDINANCE approving and authorizing amended and restated Emergency Home Repair Program Administrative Guidelines to replace the guidelines which were authorized and

approved in March, 1997 – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2002-0832 ADOPTED.

31. ORDINANCE approving and authorizing submission of the Immunization; Bureau of Nutritional Services (“WIC”); Tuberculosis; Women and Children, Title V, Parts A & B; Bureau of Clinical and Nutrition Services, Title XX; and Bureau of Regional/Local Health Operations, Program Plans and 2002-2003 Budgets to the **TEXAS DEPARTMENT OF HEALTH** (TDH Contract No. 7460011640-03); authorizing the Director of the Health and Human Services Department to accept related applicable contract change notices and to accept any supplemental change notices during the grant period; declaring the city’s eligibility for such grants; authorizing the use of interim funding from the general fund, not to exceed 15% of the requested level of funding for the WIC program; and declaring intent to reimburse the general fund from proceeds received from the Texas Department of Health for the WIC Program; authorizing the Director of the Health and Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2002-0833 ADOPTED.

32. ORDINANCE appropriating \$1,300,000.00 out of Homeless and Housing Consolidated Construction Fund; approving and authorizing the submittal of grant application to the **U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** for Lead-Based Paint Hazard Reduction Control Grant Program; declaring the City’s eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City’s representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant; authorizing two (2) new staff positions – was presented. All voting aye. Nays none. Council Member

Wiseman absent. ORDINANCE 2002-0834 ADOPTED.

40. ORDINANCE appropriating \$1,450,647.00 out of Street & Bridge Consolidated Construction Fund Number 437 to pay the amount of the final judgment, pre and post judgment interest and all taxable court costs, plus interest thereon in connection with the settlement of the eminent domain proceeding styled City of Houston v. Precast Structures, Inc, et al., to acquire Parcel Number A89-94, for the Clearwood Street Paving Project (Gulf Freeway to Almeda-Genoa), GFS/CIP N-0480-05-1 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2002-0835 ADOPTED.

46. ORDINANCE appropriating \$4,001,800.00 out of Water & Sewer System Consolidated Construction Fund, approving and authorizing professional services contract between the City of Houston and **CAMP DRESSER & McKEE, INC** for Design of the Supervisory Control and Data Acquisition (SCADA) System, CIP S-0522-03-2 (WA10659); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Members Vasquez and Keller.

47. ORDINANCE appropriating \$251,432.67 out of Water & Sewer System Consolidated Construction Fund, approving and authorizing developer participation contract between the City of Houston and **RICHFIELD INVESTMENT, L.L.C.** for Construction of Water and Sanitary Sewer Lines for the Richfield Subdivision, CIP S-0802-04-03 and R-0802-04-03; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G – KELLER** – was presented, and tagged by Council Member Keller.

48. ORDINANCE approving and authorizing Professional Materials Engineering Laboratory Contracts between the City of Houston and **PROFESSIONAL SERVICES INDUSTRIES, INC; GEOTEST ENGINEERING, INC; HBC ENGINEERING, a division of TERRACON, INC; LAW ENGINEERING & ENVIRONMENTAL SERVICES, INC; FUGRO SOUTH, INC; and HVJ ASSOCIATES, INC** for Engineering Materials Testing Services for the Building Services Department – was presented. All voting aye. Nays none. ORDINANCE 2002-0836 ADOPTED.
49. ORDINANCE appropriating \$1,644,000.00 out of Street & Bridge Consolidated Construction Fund as additional appropriation for additional construction management services under a contract, (approved by Ordinance No. 99-0661) with **ATSER, LP** – was presented, and tagged by Council Members Goldberg and Keller.
50. ORDINANCE appropriating \$223,195.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **OTHON, INC** for Design of a Ground Water Pumping Station for the Park Glen Subdivision, CIP S-1000-09-2 (WA10743); providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. ORDINANCE 2002-0837 ADOPTED.

NON CONSENT AGENDA - NUMBERS 51 through 53

MISCELLANEOUS

PROPERTY

52. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David L. Brown of Lott & Brown, Consulting Engineers, on behalf of Dean Foods Corporation (d.b.a. Oak Farms Dairy) (Gregg L. Engles, Chief Executive Officer) for abandonment and sale of Sampson Street, from Leeland Avenue to Denver Avenue, and a portion of Bell Avenue, from Sampson Street ±200 feet east, in exchange for the conveyance to the City of a 40-foot wide sanitary sewer easement, a 25-foot wide storm sewer easement, and right of way for the widening of Leeland Avenue, Parcels SY2-033A, SY2-033B, DY2-035, LY2-041 and AY2-176 - **APPRAISERS - DISTRICT I – ALVARADO** – was presented.

Council Member Alvarado named Mr. Frank Flores and Mr. Scott Stephens and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1045 ADOPTED.

53. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Chuck Davis of C. L. Davis & Company, on behalf of Houston Independent School District, for abandonment and sale of Lane Street, from Pearl Avenue to McCarty Avenue, located within Port Houston N.S.B.B., a Subdivision of the John Brown League, and a right of entry for Houston Independent School District, Parcel SY3-001 - **APPRAISERS - DISTRICT I - ALVARADO** - was presented.

Council Member Alvarado named Mr. Charles Rencher and Mr. Michael Copland and moved approval of the recommendation, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1046 ADOPTED.

MATTERS HELD - NUMBERS 54 through 63

54. 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 48 on Agenda of August 21, 2002, POSTPONED BY MOTION #2002-993)**

Council Member Goldberg stated that he wanted to add an amendment, that they had given some historic preservation tax exemption to some developers and the problem was that it just went on and on and there was no limit, so basically what his proposal was to put a cap on exactly what they wanted abated, that there was going to be a cap that could not keep increasing in value, that it was fair to the developer because they were asking for a certain amount of tax exemption and were going to get exactly what they asked for and nothing more and it was fair to the taxpayers, that on top of that what a lot of developers of big projects were doing, like a condominium project they had a lot of discussion over on Main Street, which were between \$250,000 and \$500,000 condominiums, and once they were developed there was no reason to continue that tax exemption, so once they were sold after one time the tax exemption would go away and the taxpayers would be able to depend on some of that revenue, that one of the exemptions that he had not thought of and was brought to his attention was the development of single family residences and usually when they were sold, even if it was a developer that should develop it, it was sold to a home owner, that it was rare that a developer was going to put in that kind of money and sell it to another developer, so it was going to be a homeowner and the homeowner did need that tax exemption to continue, even if it was sold after that because there was a high increase in maintenance and it was only fair that they were going to maintain the

expensive structure that there would be some sort of tax exemption, of course that would still be capped, that amount of exemption would be capped and fixed and what it would allow them to do was to upkeep it and it did not stop the increase in the value of the land, they were still taxed 100% on the land, just not on the improvements, that there was one other safeguard to make sure that if they did give this sort of tax exemption on a single family residence that after gaining the exemption for a few years they would not just tear it down, that in the ordinance it was built in that if within the 15 year period that they were exempt if a developer came in and buys the property to tear down, the new owner would be responsible for all of the taxes that were exempted the five years preceding that, that they would have to make that up and pay that because they were tearing down a historic property, so it was in their best interest to keep it up, that one other thing that was raised was their Code of Ordinance did not define single family residence and there were some of the older bigger homes that actually housed more than one family, that it may at one time have been one home, but they had divided it up to four units, so they were defining a single family property as containing no more than four residential units, that everyone should have received a copy of the amendment and he was offering the following written motion to amend Item No. 54:

“Motion to change the wording of Section 44-5(e) in the proposed Ordinance amending Section 44-5 of the Code of Ordinances:

It is hereby moved that the third and fourth sentences of Section 44-5(e) in the proposed Ordinance be amended to read:

“However, the exemption shall be terminated in the event of a second transfer of an ownership interest or a portion of an ownership interest in a historic structure, other than a single-family residence, during such ten or 15 year period. In the case of a condominium or other multi-family residential building, the second transfer of ownership interest or a portion of an ownership interest in an individual unit shall cause the termination of the exemption pertaining to that particular unit.”

Council Member Galloway absent.

A vote was called on Council Member Goldberg motion to amend Item No. 54. All voting aye. Nays none. Council Member Galloway absent. MOTION 2002-1047 ADOPTED.

A vote was called on Item No. 54 as amended. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2002-0838 ADOPTED.

55. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **GBS ENVIRONMENTAL, INC** for Asbestos Abatement and Demolition Services for Planning & Development Department - \$88,677.00 and contingencies for an amount not to exceed \$93,110.85 - Dangerous Building Consolidated Fund – (This was Item 17 on Agenda of August 28, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG) - was presented. All voting aye. Nays none. Council Member Galloway absent. MOTION 2002-1048 ADOPTED.

56. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **CORLEX INTERNATIONAL, INC** - \$1,694,839.32, **MATERA PAPER COMPANY** - \$789,715.95 **IMPCO, INC** - \$194,900.00, **GISCO, INC** - \$435,190.00 and **SECURITY SAFETY** - \$41,640.00 for Janitorial Supplies for Various Departments - \$3,156,285.27 - General and Enterprise Funds – (This was Item 19 on Agenda of August 28, 2002, TAGGED BY COUNCIL MEMBER PARKER) - was presented. All voting aye. Nays none. Council Members Galloway and Vasquez absent. MOTION 2002-1049 ADOPTED.

57. ORDINANCE finding and determining that public convenience and necessity no longer

require the continued use of (i) a portion of Shelby Circle, formerly Yates Avenue, Street right of way containing 7,459 square feet of land, more or less Parcel SY1-067A (ii) two 10-foot-wide sanitary sewer easements, containing an aggregate of 13,019 square feet of land, more or less, Parcels SY1-067B and SY1-067F, (iii) a 10-foot-wide waterline easement containing 999 square feet of land, more or less, Parcel SY1-067C, and (iv) two 5-Foot-Wide utility easements containing an aggregate of 4,225 square feet of land, more or less, Parcels SY1-067D and SY1-067E, all six parcels being located in the BH Freeling Survey, A-270, Harris County, Texas; vacating and abandoning said parcels of land to Houston Bellfort Pines Apartments, L.P., abutting owner, in consideration of the owners' dedication of two easements for sanitary sewer purposes and an easement for utility purposes containing an aggregate of 19,453 square feet of land, more or less, and payment of \$6,855.00 and other consideration to the City - **DISTRICT D – EDWARDS** – **(This was Item 23 on Agenda of August 28, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. Council Members Galloway and Vasquez absent.

Council Member Edwards stated that they had tagged the item because they were trying to keep a handle on the development going on in the community so there were no problems down the road and would like to ask for a delay of one week, they were trying to get in touch with the people who were trying to do the low income properties, that they were very important for the community but they would like to work in partnership with that development. Council Members Galloway and Vasquez absent.

Council Member Edwards moved to postpone Item No. 57 for one week. All voting aye. Nays none. Council Members Galloway and Vasquez absent. MOTION 2002-1050 ADOPTED.

58. ORDINANCE issuing a permit to **717 TEXAS LIMITED PARTNERSHIP** for building, constructing, using, occupying, operating, maintaining and repairing a Plaza Area within a

portion of Texas Avenue abutting Block 59, S.S.B.B.; being within public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I – ALVARADO** – (**This was Item 33 on Agenda of August 28, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG**) - all voting aye. Nays none. Council Members Galloway and Vasquez absent. ORDINANCE 2002-0839 ADOPTED.

59. ORDINANCE approving and authorizing contract between the City of Houston and **HOLMAN & KEELING, P. C.** for Litigation Support Services - \$100,000.00 - Property and Casualty Fund – (**This was Item 36 on Agenda of August 28, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN, TATRO, VASQUEZ and SEKULA-GIBBS**) - was presented. Council Members Tatro, Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Vasquez absent. ORDINANCE 2002-0840 ADOPTED.

60. ORDINANCE approving and authorizing second amendment to services agreement between the City of Houston and **TEXAS DEPARTMENT OF INFORMATION RESOURCES** adopted by Ordinance No. 01-0849 – (**This was Item 39 on Agenda of August 28, 2002, TAGGED BY COUNCIL MEMBER TATRO**) - was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2002-0840 ADOPTED.

61. ORDINANCE amending Ordinance Number 2002-02 to replace the Interlocal Agreement between City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Halls Bayou Trail, CIP N-0420-31-2 with the Interlocal Agreement attached to this Ordinance **DISTRICTS B - GALLOWAY and H - VASQUEZ** – (**This was Item 40 on Agenda of August 28, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG**) - was

presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2002-0841 ADOPTED.

62. ORDINANCE appropriating \$45,500.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing an advance funding agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Bikeway Projects funded under TEA-21, GFS N-0420-34-2, N-0420-35-2, N-0420-36-2 and N-0420-37-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; F - ELLIS; G - KELLER; H - VASQUEZ and I – ALVARADO** – (**This was Item 42 on Agenda of August 28, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG**) - was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2002-0842 ADOPTED.

63. ORDINANCE appropriating \$6,866,782.75 out of Storm Sewer Consolidated Construction Fund, \$231,325.00 out of Water & Sewer System Consolidated Construction Fund, \$2,658,892.25 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, LP** for construction of Kirby Drive Relief Storm Sewer, GFS M-0230-01-3; (SM5007) providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by Storm Sewer Consolidated Construction Fund, Water & Sewer Consolidated Construction Fund and Street & Bridge Consolidated Construction Fund - **DISTRICT G - KELLER** – (**This was Item 45 on Agenda of August 28, 2002, TAGGED BY COUNCIL MEMBER TATRO**) - was presented. All voting aye. Nays none. Council Member Vasquez absent. ORDINANCE 2002-0843 ADOPTED.

Mr. Hall asked if Mayor Brown would allow them to correct something that was said, that it did not affect the outcome of the vote, but that they did not give correct information on Item No. 5, that the error in the posting, he was now advised, was that Mr. Luna had been duly appointed as Council acted, but was actually replacing Mr. Torres in that Senatorial appointment, he was advised, that Mr. Torres was the Senate appointee, that the right man got the job. Council Member Vasquez absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Wiseman first

Council Member Wiseman stated that she would like to thank Council Member Goldberg for attending last week's Johnson Space Center Tour, that Johnson Space Center was gracious enough to open their doors to City Council for a tour and CLAYDEF graciously hosted a lunch for them after the tour, that it was a wonderful opportunity to see the inside operations of JSC, as they knew they were vital to the local and regional economy, that tonight they would have Houston's Birthday Party celebration where they would be honoring Astronaut, Captain Young, and next month in October they would be hosting the World Space Congress in Houston, which meets only once every ten years, so it was an honor for them to do that, that it was a great opportunity for them to focus their attention on JSC and displayed a flag that they so kindly presented to City Council, that the flag flew on a shuttle mission and they were fortunate to have it, that it would be hanging in the City Council offices, that she wanted to thank the people who helped with the arrangements, Mr. Jim Rhinehart, President of CLAYDEF, General Jefferson Howell, Director of Johnson Space Center, Ms. Peggy Wooten, Ms. Lori Wheaton, Mr. Jack Bacon, Astronaut Fernando Caldiero, Mr. Milt Caplan and Mr. Bill Foster, that these people were wonderful in putting together a great tour and presentation for them. Council Member Keller absent.

Council Member Robinson stated that he wanted to thank the administration, Mr. Lonnie

Vara and Ms. Candy Aldridge for coming to the committee, and also Mr. Haines and providing them with a briefing on the City employees Health Care Plan, that he would hope that they would go beyond the briefing and really start digging into the options available to them so come the beginning of 2003 they were not left with one option only and that option being extending the contract, that may be what they chose to do but he would like to have several other options available to them, that there was an article in the newspaper this morning, but if they believed the underlying gist of the story was that it seemed to say that every HMO was in trouble and they may go the way of the dinosaur so he did not want them to be locked into an evaluation of only the HMO model and end up with all their options being confined to HMO Blue Texas.

Council Member Robinson stated that he would like to follow up on his comments to Dr. Scheps and asked Mr. Haines that he would certainly appreciate his assistance in putting together a list of projects, whatever shape, form or content they had where folks were looking to build housing inside the City and what they needed to do to make sure those projects got done as fast as possible and in this instance he was not talking about tax exempt projects, he was all for those, but was looking for projects that were going to expand the property tax base and if they could that information as soon as possible he would certainly appreciate it. Council Member Parker absent.

Council Member Edwards stated that she needed to be updated as to the status of Anderson Road and Alameda-Genoa, that they had a townhall meeting and they were told that progress would start in August and now there seemed to be a problem and she could not seem to get a handle on what was the problem, that they were being barraged by citizens calling as to what was going on, so if they could have someone give her a briefing as to what was the actual status of that project she would appreciate it, and Mayor Brown stated that they would take care of that. Council Member Parker absent.

Council Member Tatro stated that as to the Health Care presentation they had yesterday he wanted to thank Council Member Sekula-Gibbs for her insight yesterday, that it was very informative and Council Member Robinson made various comments, that the concern that he took from the meeting yesterday was the administration's statement that they basically do nothing or hold the line, it sounded as though that was it, until the contract was finished, with the growing concern from users of the system, most people were happy because most people were not using the system, the people who were unhappy were the people who were using the system, that he thought they would find it to be true, that the growing concern in what appeared to be HMO Blue's change of their program from underneath the City, meaning what they purchased was not what they were getting now and it was very difficult to say how they were further going to change or the industry was going to change before the contract was up, therefore he did not think they could afford just to sit still aside from bringing somebody in possibly and having them look at the different options that were available or the different models that were available, that they talked about it and he thought there was Signa, Aetna and obviously HMO Blue, but the HMO versus PPO were in one model and he knew there were several variations and several models that people could opt into and he thought it was displayed by some comments yesterday that employees did not know what their options were and part of that was not necessarily the blame on the administration of lack of information it was the changing dynamics of their providers that were underneath them, the doctors had been changing constantly and they were having trouble finding which doctors were in the program and that would be indicative of any changing environment and that was not necessarily indicative of lack of information coming from the administration to the employees, that was what was such a concern, would that changing dynamic hold until next May and would the employees be able to find providers that were acceptable to them, so it would be his hope that they would look at different models and explore different models, there was no way they could possibly change, alter or bring in a new provider in a short term, that it was a concern of the performance that they did have in the contract and did not know if that was alterable at this point and asked Mr. Haines

if it would be alterable in the out years of the contract, would a change in the contract for performance measures be possible in the following years, and Mr. Haines stated that as they knew they had two one year options in the plan and thought it would be a matter of how much they would have to alter based on those performance measures, they could certainly look at it and thought it was a fair statement to say it was worth looking into. Council Member Galloway absent.

Council Member Vasquez stated that it was just last week when Chief Bradford was present and did his briefing and that time he raised the question about the conflict of interest, potentially, that the Chief may have with Captain Aguirre, that as they all knew the Chief was at the Grand Jury giving his testimony on whether or not he perjured himself, that he thought the issue for him was not going away because he still questioned whether or not it was a conflict of interest for Chief Bradford to be ruling on the matter with Captain Aguirre, that last week he asked for something in writing regarding that policy and opinion and had yet to receive it, that he still thought it was important because if Chief Bradford takes any action in regards to Captain Aguirre he thought there would be a cloud hanging over that and would prefer that there be a clean separation, that he did believe that the Grand Jury should run its course and at the same time while its running its course that there should be a clean separation and Captain Aguirre should have the utmost transparency and due process, that he would like to register publicly his continued concern regarding the conflict of interest and continue to request something in writing. Council Member Galloway absent.

Mr. Hall stated that his office was preparing a response to his request last week for a written statement on whether or not it was conflict of interest, that the would just say again that under their system, he guessed by definition, every time a supervisor, particularly a department head, since that was the person who made the recommendation for ultimately all discipline, to include firings, that it could be alleged and argued that it was a conflict of interest obviously, that

if in fact they allowed the Council confirmed department heads to be removed from their positions and responsibilities because an allegation was made against them after, and he emphasized after, discipline was imposed, they would pretty much set up a system where no department head could discipline anybody, because one could make the allegation, and that was what happened here, that it was after in fact the discipline was proposed that the other issue and difficulty arose about the perjury, that they were two separate and entirely different things, that he had no comment on how the District Attorney would proceed and pursue the perjury investigation but it was certainly separate from the investigation that was under way in the Police Department for the activities surrounding the mass arrest, he thought that would be transparent and thought it would be clear and the Chief and everybody who had been associated with that had indicated that they wanted it handled both expeditiously and as transparent as it could possibly be, that he had every confidence that would happen, that a Grand Jury investigation was an allegation that the District Attorney decides to take to a Grand Jury because he thinks that a Grand Jury ought to be the one to decide if there was any merit to it or not, that was what they were talking about, that if it was found that the Chief did perjury himself he thought it would be literally months away, that he did not think it was grounds for conflict of interest, that it was two entirely separate matters to be decided by separate bodies, there was precedent that the Police Department follows in administering its discipline to police officers, there was a very elaborate process of checks and balances and appeals that did not frankly apply to almost any other City employee, that process was put in place to assure fairness to all of the parties involved in a disciplinary proceeding and that process was transparent, that what he was suggesting was that in their process it was not a mysterious black box kind of thing, he thought the purpose of the investigation was to explain to the Council and the entire Houston community, what happened out there and who did what, those questions would answer themselves, if Captain Aguirre was found to have violated policy or law, he would be dealt with consistent with traditions of the Police Department, if he was not he would not, he thought it was just that simple and he thought that process, frankly because of the visibility it had would be more open than any investigation they

had in recent times, and Council Member Vasquez stated that he looked forward to Mr. Hall's opinion and hoped it would alleviate some of his concerns, that on a second point he knew the Chief had said he was going to make up his mind in about two weeks whether or not the arrests were going to stand or whether they were lawful or not, that he would like for the Chief to come back to Council and brief them on his decision as well, again given the attention it had received and continued to receive, and Mr. Hall stated that he wanted to correct what he heard the Chief say and what he had subsequently discussed with him, that he did not say he would make up his mind in two weeks, he said he thought the investigation would be far enough along in two weeks to make a judgment about whether or not the charges were in any way deficient when they were brought, that was kind of a different question, he was saying the investigation itself would answer the question, not about him making up his mind, and he thought that was kind of at the root of what he was trying to explain, the issues were not issues that were subjective enough that it was a question of him making up his mind, the facts would be developed as the facts were investigated, that was kind of where they were and would hope that all of them would look at it that way because that was certainly the commitment that he had asked everyone associated with it, to get the facts as best as they could, out, openly and in the public so that everybody could see what happened and was responsible for it. Council Members Galloway and Wiseman absent.

Mayor Brown stated that they had already indicated that Chief Bradford would come back to Council. Council Members Galloway and Wiseman absent.

Council Member Vasquez stated that NALEO was going to be sponsoring a free U. S. citizen workshop legal residents and would be at the Houston Community College, Southwest Campus at 5601 West Loop South on Saturday starting at 8:30 a.m. and wanted to encourage anyone to attend, that he knew that the Mayor's office of Immigrant and Refugee Affairs was involved and being supportive and thought it was an appropriate role and hoped they had a good

event and encouraged everyone to attend. Council Members Galloway and Wiseman absent.

Mayor Brown stated that he wanted to make a comment about Council Member Vasquez's concern, in the Police Department there was a very established process for conducting an investigation, they had first of all the Internal Affairs, they were like fact finders, they find out exactly what happened, and then a superior officer makes some determination as to whether or not there were violations or rules and regulations and all this went on way below the Chief's level and then there were some recommendations by a disciplinary panel and that goes to the Chief as the last person, by law the Chief was the only person who could discipline a classified police officer, so the Chief was not involved nor was there a way for him to be involved right now in the actual investigation, so when it gets to the Chief he would have recommendations about whether or not there should be discipline, if the complaints were sustained, that the answer to the question, was Captain Aguirre going to get a fair shake, he thought the answer to that question would be absolutely yes, and Council Member Vasquez asked of Mr. Hall if he could give him a copy of the process and opinion so he would be knowledgeable when he spoke with constituents, and Mr. Hall stated that he would pass along his request for the process, that was a Police Department process and they did have it, and Mayor Brown stated that Chief Storemski could get that, and they would certainly get him the opinion he asked about, their analysis of it, and Mayor Brown stated to Mr. Hall to see that every Council Member receive the same thing and that would be the written documentation that Chief Storemski would provide, the process of handling an Internal Affairs investigation. Council Members Galloway and Wiseman absent.

Council Member Sekula-Gibbs stated that had some information to pass out that related to the discussion they had yesterday at Fiscal Affairs regarding insurance benefits for City of Houston employees, that she had asked the HR department where did the figures come in as to the profits that HMO Blue registered last quarter or last year and they did not know what kind of profits HMO Blue had and neither did their representative, but the Chronicle knew and the

Department of Insurance knew and apparently Southwest Texas HMO, which incorporated HMO Blue, registered a \$22 million profit last quarter in the area of Houston and her feeling was that they were duped, that they were told by HMO Blue that they had to make the employees tighten their belts because they were losing so much money that they perhaps could not afford to recover the City if they did not change their policies and now they saw that they made \$22 million in profit in the Houston area, that was not all on the backs of the Houston employees, but it certainly caused one to pause, no other of the Texas HMO's made any where close to that much profit, United was the next in line at \$2 million, so she suggested that they needed to really be careful before they buy their story that they were in dire straits, that indeed they were in some economic trouble earlier, a couple of years ago, but this was a big change, and would quote what their vice president said to the reporter of the Chronicle, 'we had to take some radical action to get there', that across the State it was \$48 million in profits, that they needed to be very well aware that when ever HMO Blue tells them they had to eliminate unprofitable providers, which basically meant getting rid of the employees primary care doctor or hospital and they had to go with premium increases, that maybe that was not necessarily the whole story. Council Members Galloway, Wiseman, Berry and Robinson absent.

Council Member Keller moved to remain in session beyond the scheduled noon recess to complete the meeting, seconded by Council Member Tatro. All voting aye. Nays none. Council Members Galloway, Wiseman, Berry and Robinson absent. MOTION 2002-1051 ADOPTED.

Council Member Sekula-Gibbs stated that she would like to invite everyone at Council, including the public, to attend a townhall meeting on September 17, 2002, 7:00 p.m., at Northpoint Elementary in the Clear Lake area regarding the toxic rail which was called the San Jacinto Rail and would encourage everybody who had an interest in working with the situation to attend. Council Members Galloway, Wiseman, Keller, Berry and Robinson absent.

Council Member Parker stated that she appreciated Council Member Sekula-Gibbs comments on the HMO's and prompt payment, that she seemed to recall that the Legislature actually passed it last year and someone actually vetoed that but maybe they could try it again, that it ended on the Governor's desk and he did not like it, but she did want to correct something, that the comment was that they went to their employees and made changes in what they paid in response to HMO Blue saying they were not making money, that they went to their employees because they wanted to flatten the rate of premium increase that they were contractually obligated to pay, that HMO Blue Texas did not have to allow the City to re-negotiate their contract, they said they were going to be whacked with the full contractual increase and was there something they could do so they would not raise their premium quite as fast as they were obligated to and they responded to that, that was not addressing the fact that they were making money and possibly off of the backs of the doctors, but they were not responding to them, they responded to the City and let them re-negotiate. Council Members Galloway, Wiseman, Keller, Berry and Robinson absent.

Council Member Goldberg stated that they were having trouble with Neighborhood Protection trying to get a property condemned or taken care of at 3821 North Braeswood, that it was a open and unsecured former apartment complex and had been that way for a number of months, that they kept either delaying the hearings or just not taking any action and wanted to see if they could get Neighborhood Protection on that property, that it was a danger and needed to be secured, and Mayor Brown stated that they would get them working on it. Council Members Galloway, Wiseman, Keller, Berry and Robinson absent.

Council Member Goldberg stated that in regard to the trip to NASA they did get to meet the Director of Johnson Space Center, General Howell, which stuck on a topic of conversation that he thought ought to be the topic of conversation tonight at the City of Houston birthday party since they were honoring NASA and thought they had planned for a special guest to be at

everyone's table from the space center, that it had to do with what he was going to call Project SOS, which stood for Save Our Saturn, that as some of them may know the big rocket out at NASA was a Saturn 5 rocket and had never been blasted of, the program was scraped and there were three Saturn 5's left, one of them was in Coco Beach Florida at the Kennedy Space Center, the other one was in Huntsville and the other was in Houston, that when they were touring the space center he noticed that the rocket was deteriorating, that the other one in Florida was in excellent condition because it was housed and protected and they made the housing into a museum and he thought it was something they needed to start thinking about, that he spoke with General Howell about it and he was all onboard, that they needed to start talking about having some fund raisers and see if they could have some ideas from developers to make a housing facility that also would be educational for people, that the one at Kennedy Space Center was fascinating and they learned about every stage of the rocket and how the space flights used to be and how they progressed. Council Members Galloway, Wiseman, Keller, Berry and Robinson absent.

There being no further business before Council, the City Council adjourned at 12:13 p.m. upon MOTION by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway, Wiseman, Keller, Berry and Robinson absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary