

City Council Chamber, City Hall, Tuesday, September 10, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 10, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Mark Goldberg absent on city business.

At 2:08 Mayor Brown stated they had several Council Presentations with Council Member Ellis being first. Council Members Galloway, Keller, Vasquez and Sekula-Gibbs absent.

Council Member Ellis stated that wanted to offer a proclamation to the Lone Star Pony Express and invited Mr. Lynn Thrower and Mr. Mel Newsome to the podium and stated that in the tradition introduced by Mr. Bobby Norse and the Roundup for Autism, the 13th Annual Roundup for Autism would be launched in Houston on September 12, 2002, that this dedicated group of concerned Houston area residents had long supported the Autistic Treatment Centers of Texas Facilities, while providing financial support for this worthy cause, the Lone Star Pony Express riders strived to enhance public awareness of Autism and carry a message of advocacy and hope for persons with Autism, and read a proclamation that stated that the City of Houston saluted the Lone Star Pony Express for its efforts on behalf of people with Autism and extended best wishes for continued success, therefore the Mayor and the City Council, hereby proclaimed September 12, 2002 as Autism Awareness Day in Houston, Texas. Council Members Galloway, Keller and Vasquez absent.

Mr. Thrower stated that he wanted to thank them very much for the time and support they had given to the Lone Star Pony Express, that it was a dedicated group of about 30 Houston area people who ride horseback from Houston to Fort Worth with five of the Harris County Squad Sheriff's cars escorting them up there, that they had raised about \$30,000 and this was their eighth year and they had now helped to build a brand new center for Autistic children and it was probably one of the finest facilities created, that he wanted to thank them very much, and his partner, Mr. Newsome, who was the leader of the Lone Star Pony Express, the one who organized and helped put together thanked them for their time and for the proclamation, that they would carry it in the saddlebags with them and with all the money to Fort Worth. Council Members Galloway, Keller and Vasquez absent.

Mayor Brown stated that the next presentation was by Council Member Robinson. Council Members Galloway, Keller and Vasquez absent.

Council Member Robinson invited Mikhael Mithchell and his parents, Mikhael and Dorothy Mitchell and his classmates from the Saint James School, principal, Regina Carter and teachers, Kimberly Jefferson, Melvin Mead, John Tucker and Ms. Boar, the business manager, that a couple of months Mikhael wrote him a letter talking about a need for a radio station in the City for young people and he extended an invitation for Mikhael to come to City Council and let them know about his efforts, along with his classmates, to get that done. Council Members Galloway, Ellis, Keller and Vasquez absent.

Mikhael Mitchell and his classmates appeared and Mikhael recited a letter that he sent to Council Member Robinson requesting a radio station to play appropriate programs for children. Council Members Galloway, Ellis, Keller and Vasquez absent.

Council Member Edwards stated that she had known Mikhael and Dorothy Mitchell since they had gotten married and wanted to thank them for the example that they brought to the community about how young families could live and thrive in the urban community, that she wanted to thank them for their work and for all they do. Council Members Galloway, Keller and Vasquez absent.

Council Member Berry invited Kerry and Fatiyah Douglas to the podium and stated that they had passed out to each Council Member a copy of GT Magazine, that they were the founders and publishers of Gospel Truth Magazine, which was now a national publication, that they started it just four years ago and read a proclamation that stated that on September 10, 2002, Kerry and Fatiyah Douglas, owners of Gospel Truth Magazine, would be honored for their outstanding service to the Gospel Music Industry and the City of Houston was pleased and salute them on this occasion, therefore Mayor Lee P. Brown hereby proclaimed Tuesday, September 10, 2002 as Kerry and Fatiyah Douglas Day in Houston, Texas. Council Members Galloway and Keller absent.

Mrs. Douglas stated that she wanted to thank Council Member Berry for making it possible and to the Honorable Mayor Lee Brown and the entire City Council, that she was co-owner, along with her husband, who was a visionary, of World Wide Gospel and the Gospel Truth Magazine, that World Wide Gospel, just last year, was recognized as the tenth largest record in the Country and the world, that the Gospel Music Industry was the fastest and the only kind of music that was experiencing a growth in all areas of music, that Houston was on the verge of becoming number one, they were home of Yolanda Adams, World Wide Gospel, Gospel Truth Magazine and national artists who had grammy's and all kind of recognition that they had earned, that they believed that the Gospel Music Industry was going to be instrumental in creating another economic structure for the City of Houston. Council Member Galloway absent.

Council Member Berry invited Mr. Charles X. White, President of the Sunnyside South Park Super Neighborhood to the podium.

Mr. Charles White stated that he was summoned by their illustrious Chairperson of the Sunnyside South Park Super Neighborhood, NUSA Tour Committee, Dr. Edith Clark, to honor the Mayor in his effort for bringing the NUSA Tour to Houston, that the City would be hosting the largest NUSA Tour in the 27th year history of NUSA and invited Dr. Clark to the podium.

Dr. Clark stated that as this time she would like for the Mayor to know that they came forward to let him know that they did what they needed the Council to do when he was not in the City, they took care of Sunnyside and South Park and others who came to their conference for the 27th year, that she wanted to present the Mayor with a presentation of all the volunteers that they chaired while the Mayor was away in China, and presented the Mayor with a picture and invited State Representative Edwards and all those present with them to the podium for recognition and a picture.

Council Member Edwards stated that she wanted to say to Sunnyside, Ms. Clark and Mr. White that she appreciated the fact that they allowed the office of District D to work with them in those efforts for the NUSA Conference and they looked forward to continue to work with them in the future, that she wanted to congratulate Dr. Clark on the work she had done throughout the years.

Mayor Brown stated that he also wanted to express his appreciation to all of them and to Dr. Clark he also thanked her for her leadership and that State Representative Edwards did an outstanding job representing Houston in Austin.

At 2:28 Mayor Brown called to order the meeting of the City Council and Council Member Parker led everyone in prayer and pledge of allegiance.

Mayor Brown requested the City Secretary to call the roll. Council Member Goldberg absent on city business

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

absent.

Ms. Deborah Elaine Allen, 6000 Telephone No. 408, Houston, Texas 77087 had reserved time to speak, but was not present when her name was called. Council Members Ellis and Sekula-Gibbs absent.

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Members Ellis and Sekula-Gibbs absent.

Council Member Quan moved to suspend the rules to hear Mr. Don Seributra after Ms. Arlene Kelly. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Members Ellis and Sekula-Gibbs absent. MOTION 2002-1052 ADOPTED.

Mr. Scott Hancock, 10555 Turtlewood Circle, Houston, Texas 77072 (281-568-8007) had reserved time to speak, but was not present when his name was called. Council Members Ellis and Sekula-Gibbs absent.

Ms. Marilyn Head, 7820 Van Ness, Houston, Texas 77037 (281-405-8998) appeared and stated that she was present to honor the people who died, that she was calling on the City Council and the Mayor to initiate an investigation into the social and criminal justice system, the Grand Jury, the Civil Service codes, government codes, local government codes, the Kmart incidents, the incidents at Sonic and other locations, the incident of the water hydrant experience of people on Martin Luther King Boulevard, the harassment of Hispanics in low rider cars on Navigation, they were not present to place judgment on anyone, they wanted a thorough investigation of the matters and a thorough investigation of the situation between the Chief of Police and the Police Department and the Police Unions, they did not want politics to be more important than justice, they did not want to accuse anyone until the facts were brought forth and they were asking them, as their representatives throughout the City, to seek into the matters with a pure and open heart, without any self interest, only to serve the people of the City who depended on them in these matters. Council Members Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Ms. Head stated that the MLK fire hydrant incident was when young people were gathering over on Martin Luther King Boulevard and members of the Police Department went over and turned on the hydrants and caused people to be caught in flood waters and that sort of thing, that they were asking for an organized investigation on the Council's part, that they thought that potholes were important but they also believed that seeking into the matter of justice was important for their representatives, that she had passed around some information relating to City Council Charter 5, that it allowed for the City representatives to have subpoena power and so forth and to be signed off by the Mayor and they wanted them to publicly say that they would do it, that they would seek into the matters, and Council Member Quan stated that he believed the Police Department was supposed to have a report for them, so let them get the report first and then see what other actions they needed to take. Council Member Sekula-Gibbs absent.

Mayor Brown stated that the District Attorney was already conducting an investigation, that he would be getting a briefing from Chief Oettmeier, who had jumped right in and was following full steam ahead in taking care of the matters at hand, that he would have a press conference at 4:00 p.m. so that everyone would know where they were on the issue. Council Member Sekula-Gibbs absent.

Council Member Edwards asked Ms. Head what was she actually asking for that was different than what the City had said they were willing to do and Ms. Head stated that they were asking for the City to form a committee to investigate, to be made up of City Council people, to use the power they had to subpoena to seek evidence and so forth, to hear from witnesses and to compare the findings of their report in relation to other reports, that she would not give more

credence to that but would just say it was another form of investigation that could be used as a check and balance on any other investigation, that she was looking for a more independent body from the Police Department to look at it as well, that they had no civilian oversight in the City of Houston. Council Member Sekula-Gibbs absent.

Mayor Brown stated that they did have a civilian review that would review the investigation and they had the authority to ask for whatever information they desired to have and to send it back for more investigation, that was another look at the whole process and the results of the investigation.

Council Member Robinson stated that he thought the more important thing he was hearing was that they had to make sure they did not lose the confidence of the community and the City Council and the Police Department and hoped that at some point they would have a Council committee on public safety that could look at these things and thought that would lend some additional support to the peace of mind for the folks in the community.

Ms. Arlene Kelly, 2715 Lazy Spring Dr., Houston, Texas 77080 (713-462-3808) appeared and stated that she was present in support of the request that Ms. Head made for an independent oversight of the Kmart raid and other incidents that had occurred within the City of Houston, that there was an editorial in the Houston Chronicle that pretty well expressed all of the needs that she felt were required to oversee law enforcement in the City, that she appreciated the Chronicle and its staff for refusing to accept the diluted versions of events that HPD usually offered to the media and for standing firm in its demand for answers, that particularly bothersome to her was the arrest of minors, why had not charges been dropped against those who were given permission by a parent to be out after curfew with their adult siblings, why were those children being prosecuted, they were absolutely and undoubtedly within the law, yet over zealous police officers from HPD seemed determined to criminalize those youngsters, that there had been a pattern of abuse by police officers for decades, but mostly they had looked away from them, they subject innocent citizens to all manners of abuse ranging from faulty arrests to outright murder, they were now witnessing the consequences of their refusal to hold them accountable for their actions, when police officers were granted immunity solely because of their badge, then it was time to change the laws, the Council should be in the forefront working with the legislators to do so now, that she also called upon them to do the right thing by the citizens of Houston who had been subjected to unlawful and sometimes fatal actions of those arrogant officers who thought they were above the law, that they should conduct their own investigation of these incidents, that she believed it was naïve to expect HPD to provide a fair investigation of itself. Council Member Galloway absent.

Mayor Brown stated that he thought the process should move ahead and certainly should be transparent and as he got information he would share it with everyone including the public, thus as he receives his briefing today he would report back to the public at 4:00 p.m. so everyone would know as much as he would know about the investigation, that one thing that was clear, it would be a thorough and complete investigation and the facts would determine what went on as a result of the conclusion. Council Member Galloway absent.

Mr. Don Seributra, 7023 Dickson Way, Missouri City, Texas 77489 (281-437-7931) appeared and stated that he was present with a group who wanted to push for an independent civilian oversight, that what happened in the Kmart raids had outraged people, that what he had seen on television was unaccounted for, that he wanted to know why it happened, that he had been at Council before and had seen Chief Bradford testifying before the Council Members, that he went to the Grand Jury to see what was going on, that he protested, that why did the police act out of line.

Council Member Galloway stated that she had heard about the raid ever since it happened and had never got a chance to mention the fact that they had a similar situation out in her area where the Mayor's office, the captain and the department and their staff members all came

together because they had a congregation of young people every Sunday for six straight weeks and there would be over 1,000 young people blocking traffic and parking all over business establishments, that she did not know what happened with the Kmart situation but she could truly say that the officers in her area all worked very closely and when something like this went on it was really a community effort, they had the ministers involved and the businesses and she went around and got affidavits from the businesses for no trespassing to be placed in their lots on Sunday's because it was a Sunday afternoon thing and tied up traffic, people could not get into their neighborhoods, that they had approximately 40 or 50 officers monitoring out there, that they stopped young people when they had excessive load music and would not follow orders to cut it down or the inspection stickers were out of date or some other infraction, and some young people were arrested as well but in order to control a crowd like that they really needed to find out what was really the source of the matter and the young people said they had nowhere to hang out so they just blocked the whole neighborhood and hung out and tied it up, but eventually they understood because they worked so closely with them and today she wanted to commend Captain Kolowski and his officers in the Northeast Station as well as the staff from the Mayor's office, that she thought maybe there should have been another method to handle the matter and if she had known about it maybe she could have given them some type of ideas from what they had experienced in the northeast area for a congregation of young people who just wanted to have a good time, that the crowd did disperse and some were arrested, but very few, but they all worked as a community because the community was involved as well and the business establishments, that they did it in order to make the young people understand that it was in the best interest because there were some gang members that came by as well, so they knew a lot of factions were out there, that she was sorry that the raid happened that way but hopefully they could learn from the mistakes that were made and that they would use other means and methods in order to eradicate things of this nature.

Mayor Brown stated that as Council Member Galloway stated there was more than one way to handle an incident, that his position was that they should not break the law to enforce the law, that obviously the police officers had a responsibility but they could not break the law to enforce it and what happened in her district they worked with the police officers, the business community and they achieved their objective, in this instance there were allegations of misconduct and people had been placed on suspension, there was an ongoing investigation as to proper process to find out what actually occurred and then a determination would be made about violations of policies, procedures or law and then if warranted appropriate disciplinary action would be taken, that was the process that had worked and would continue to work.

Mr. Prader Brown, no address, no phone, had reserved time to speak, but was not present when his name was called.

Mr. Cordell Baham, 13202 Adler, Houston, Texas 77047 (713-434-0467) appeared and stated that he was present to talk about Almeda-Genoa road work in progress, that it seemed to stop, that it started in mid 2000 and ceased about May 2001 and had not commenced to start back, that he had been placing calls to the Public Works Department and also to Council Member Edwards office trying to find out when they would start to work again, that they had been giving him reasons as far as utility companies and moving of poles and things like that, that he just received a message earlier in the day saying that they had talked with the contractor and he planned on starting work again next week, that they said in 12 months it should be completed, but when he met with Council Member Edwards, the Legal Department and Public Works Director, he stated that they would not start any work until everything was completed, that there were still telephone poles on the south side of the street that had not been removed and they planned on starting next week and he did not see how that could be possible and he wanted to know if the Council had some type of confirmation that they would start again pretty soon. Council Member Berry absent.

Mayor Brown stated that personnel from Public Works Department had spoken with Texas Sterling and asked that they remobilize their forces to that site this weekend or early next week,

that it was their understanding that it would take place and it was also their understanding that it would be about a 12 month project to complete everything, so that was where they were right now, that they were asking to start the project even though there were some financial discussions taking place, that they would not let the financial discussion stop the project, that he was advised that they were requesting that the work start either this week or the early part of next week. Council Member Berry absent.

Council Member Edwards stated that she appreciated the level of tolerance the community had, Alameda-Genoa Road, Anderson Road and West Fuqua, that regarding Alameda-Genoa she had met with Mr. Vanden Bosch and Mr. Ordat yesterday, that before they had said they would wait until all the poles were down, but what they had said was that there were enough poles down so they could start and by the time they got to the poles it would be fine, that she was told that the movement would start by next week and if that was not going to happen then they were on it as hard as they could be, that it was an ongoing thing, that she was concerned about some safety hazards but had been assured by Mr. Vanden Bosch that they would be starting on Alameda-Genoa hopefully by next week. Council Members Galloway, Ellis, Quan and Berry absent.

Mr. Baham stated that also in the morning during the heavy traffic the children from the south side of the neighborhood had to cross Alameda-Genoa to catch the City bus, if something could be done to help those children cross the road safely he would be much appreciative, and Council Member Edwards stated that one of the things they asked Mr. Vanden Bosch to do, and they had a staff member go back and assess that whole safety issue, was to send someone out there to assess the safety issue of the roads, so she would make sure he was aware of that particular point, but that was an issue they were concerned about, that it was safe for people to continue to travel and try to get it done as quickly as they could. Council Members Galloway, Ellis, Quan and Berry absent.

Mr. Kenneth Wayne Leonard, 1205 Victor, Houston, Texas 77019 (713-529-4507) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Ellis, Quan and Berry absent.

Ms. Virginia Zakes, 5539 Winding Creek, Houston, Texas 77017 (713-946-9474) appeared and stated that the library hours were cut last summer and she showed up at the Park Place Library on a Friday morning at about 10:30 a.m. or 11:00 a.m. and it was closed, that she had been out of the Country and had no idea the library hours had changed so she had to turn around and on the way back to her car she saw probably 3 or 4 people also walking into the library who had no idea that the hours had been cut, that a friend of hers said to her the other day that she had driven over to the library and was so furious because the library was closed, that she forgot about the changes in the hours, now the list that she had from the Houston Public Library with the notice lists the hours and they ran anywhere from 40 hours per week at Acres Homes, 46 hours at Bracewell, 61 hours at the downtown library if they could manage to find their way there with all the street closings and detours, etc., that at Park Place they had 54 hours per week, that she had difficulty remembering if it was a Monday or Tuesday with the hours of 10:00 a.m. to 8:00 p.m. or a Wednesday or Thursday with them 12:00 p.m. top 8:00 p.m. or a Friday with 12:00 p.m. to 6:00 p.m., that Saturday she could remember 10:00 p.m. to 6:00 p.m. because that stayed the same, that on Sunday's, however, they were closed in June, July, August and December, that in Pasadena the library was open on Sundays so she could go over to Pasadena and go to the library, she was relatively close to Pasadena, but did they think she was going to come and shop and spend her money where the taxes came into Houston if she was having to go over to Pasadena to use their facilities at the library, no, she would shop in Pasadena, it was right next to Town Square Mall, that they were losing money by cutting the hours on Sunday, that many times she had stopped at a store, that she was in Wisconsin on vacation in the summer, a little town of 5,000 people and the hours there were from 9:00 a.m. to 8:00 p.m. and people were using the library, they were not going crazy in there like they sometimes did at Park Place with the kids running all over the place and nobody correcting

them, they did not have Pokemon on the computers, but she had been told that it was just as important to the kids, and she believed it was, she had a grandson who was six and loved Pokemon. Council Members Galloway, Ellis, Quan and Berry absent.

Mr. Kishor Patel, 5617 145 North, Houston, Texas 77076 (713-691-0577) appeared and stated that he was present with a great disappointment, that one of the City's inspectors was troubling him, following him and tried to harass him in a way that looked like he was doing his job, they believed that inspectors of the City of Houston always had to honor the City's paperwork, guidelines, rules and regulations or otherwise there would be no faith in the City of Houston's system, that if the inspectors wanted to do something in addition then the City of Houston Codes require that inspectors notify them or inform them or inform the other parties in writing, that he had not listened to his supervisor, Mr. Leo Mays, and became before the date of July 24, 2002, the final date of inspection, and gave him a ticket of violation, that the final day for inspection was July 27, 2002, that he disregarded the time limit of 30 days for inspection according to the Office of Fire Marshall of the City of Houston, that Mr. Leo Mays informed him that he could show the information to the court, that why do citizens get tickets before the final date of inspection, that why do citizens have to trouble to go to the court before the last date of re-inspection was not over, that again last week he mailed him a ticket on September 5, 2002, after two days of inspection on September 3, 2002 for a fire extinguisher, which was not on his recommendation list, that yesterday he had given the information to Mr. John Wellington, one of his supervisors, that when the inspector, Ernest Johnson, came with Mr. Leo Mays, his supervisor, he informed him they had one fire extinguisher stolen and were waiting for the Houston Police Department officer to report the theft, that Mr. Leo Mays was kind enough to give them twenty-four hours to replace it, but they had only one minute to replace it, Mr. Leo Mays told them everything was okay and left, that he was informed by the Fire Department office supervisor and other higher authorities and today he was present to inform the City, that he needed help regarding why he again needed re-inspection when everything was okay according to his supervisor Mr. Leo Mays, that he believed he wanted a reason to come to his place, that he hoped he would get the right appropriate help from the City of Houston and the City Council, that he would like to thank the Houston Police Department for helping him and assisting him in his needs in the past and in the future. Council Members Galloway, Ellis, Vasquez, Quan and Berry absent.

Mayor Brown stated that Assistant Chief Smith was present and would meet with him and go over his concerns and help him out. Council Members Galloway, Ellis, Vasquez, Quan and Berry absent.

Ms. Pamela Curvey, 7606 Moline, Houston, Texas 77087 (713-847-8365) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Ellis, Vasquez, Quan and Berry absent.

Ms. Feng Wang, 5502 Grand Lake, Houston, Texas 77081 (832-567-6350) appeared and handed out a brochure to the Council Members and stated that she was present because next month the Chair of the Communist Party would be in the City, that she addressed this issue because of his brutal prosecution in China as well as Iceland, and asked the City Council to proclaim their condemnation of his crimes against humanity and voiced her person opinions regarding the practitioners of Falun Gong in China until her time expired. Council Members Galloway, Vasquez and Berry absent.

Mayor Brown stated that as she may know their foreign policy was established by the federal government and not local government. Council Members Galloway, Vasquez and Berry absent.

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, Vasquez and Berry absent.

Pastor Aubrey Vaughn, 5025 Telephone Road, Houston, Texas 77087 (713-644-4882) appeared and voiced his religious and personal opinions and stated that the love of money was the root of all evil, that they had plenty of detectives on the police force, they had hundreds of lawyers and accountants in City government yet some in the administration were stealing, that he was not talking about pencils and paper clips, he was talking about grand theft, in Public Works somebody was stealing thousands of dollars, there was a big theft going on, it was in high level positions, some high level administration, some high level department heads, some low level department heads, that regular City employees, many were on the take, that it could be in the Mayor's office, could be in the Council Member's office, some of them were stealing. Council Members Galloway, Vasquez and Berry absent.

Mayor Brown stated that if Mr. Vaughn had evidence of anyone stealing from City government that he thought it was his responsibility as a citizen to provide that evidence to the District Attorney, if he did not trust City government, to let him conduct an investigation, that he made a very serious allegation against everyone present and unless he could provide some evidence he resented the allegation and did not appreciate anyone coming and making a blank indictment, that he should bring forth the evidence that he had. Council Members Galloway, Vasquez and Berry absent.

Mr. Richard Vela, 4039 Erby, Houston, Texas 77087 (713-645-7109) appeared and stated that the second thing anyone asks about making one's acquaintance right after a name was what sort of work did they do, it was a way of defining them, that he was proud to say he was an Electrical Superintendent at Hobby Airport, that he worked for the City of Houston, Department of Aviation for 17 years, 11 months and 20 days, that he was terminated on July 26, 2002 for a single first offense that no one wanted to resolve but aggressively pursued in punishing him, that he was impressed at how quickly the Mayor gave his support last week to Chief Bradford and how he stood behind his staff, that following September 11, 2001 he felt a renewed sense that they were all American's, not hyphenated American's, but American's united and willing to help one another, the hero's of September 11th, the police, the fire and civilian citizens helping each other reinforce this belief, that as a supervisor and superintendent he felt the most important job task was to protect his employees and represented them before upper management, that when he was in trouble no one would help, not his boss, not his manager and certainly not any executive level employee in his chain of command, that he stood before them and requested that they examine the action that was brought upon him that led to his termination, that he had never had a prior disciplinary action, that he had always reported to work, that he was on call 24 hours a day, seven days a week, he worked in all type of weather conditions, reporting to emergency calls at all hours of the night and early morning hours, and had outstanding EPE evaluations and had never been successful in discussing the matter reasonably without the other side bringing an attorney, was he not innocent until proven guilty, that he did go before a Civil Service Commission, their avenue for appeal, that what was disturbing was that he was removed from the City computer on Monday, the day before the Civil Service hearing scheduled for Tuesday, August 27, 2002, that his appeal was denied and ultimately was permanently discharged, that again he asked that they review the drastic action for he was a very good employee with the City of Houston's interest at heart, the charges contained in the letter of indefinite suspension he maintained were not entirely true, that the charges contained in the letter of indefinite suspension again were not true, the discipline rendered for the first offense was questionable and harsh choosing the Mayor's policy for the charges and the department's new policy of self selection for the punishment. Council Members Galloway, Vasquez and Berry absent.

Mayor Brown asked if it was correct that Mr. Vela had gone through the entire process, yet charges filed and a recommendation and Mr. Richard Vacar met with him and then he went before a full hearing before the Civil Service Commission, they ruled against him and now he had filed a discrimination complaint with the Texas Commission on Human Rights and the EEOC and that was being processed right now, and Mr. Vela stated that was correct, that his intent was not to try to sue the City, that his intent was just to have a civilian review where they could just really discuss the issues, and Mayor Brown stated that some of the avenues of recourse were

still being pursued with the action he filed with the Texas Commission on Human Rights and the EEOC and that had not been completed, and Mr. Vela stated that it was up to him, that if he wanted to drop it he could, and Mayor Brown stated that he was not aware of any evidence that the Council would have that would enable them to overrule the decision made by the department director and the City's Civil Service Commission, and Mr. Vela stated that there was evidence that the Assistant City Attorney submitted that was not true and they submitted things as evidence that if they would have listened to him they would have known it was a petty charge and they could have dismissed it at any time, that they decided to pursue it since October 29th when he went to them on Monday morning to tell them exactly why he did what he did and he had the blessings of their assistant manager of administration. Council Members Tatro, Galloway, Vasquez, Berry and Robinson absent.

Mayor Brown asked Mr. Bibler if Mr. Vela had completed the entire process afforded him by the City was it correct that the next level would be to get an attorney and pursue it legally, and Mr. Bibler stated that it was his understanding that he already had an attorney, but he was absolutely correct, the entire design of the Civil Service system was to insulate employees from politicians and it worked both ways, they were not allowed to hire or fire people, that was handled by an independent body of three people. Council Members Tatro, Galloway, Vasquez, Berry and Robinson absent.

Upon questions by Council Members, Mr. Vela stated that he was the Electrical Superintendent at Hobby Airport, that under the Mayor's Policy 504, he was brought charges and under Self Selection, which was a new disciplinary program for the Department of Aviation, they decided to punish him at the harshest way which was termination, that in the progressive discipline under the Mayor's policy he would have probably had a 3, 5 or 15 day suspension, that it was a very harsh thing they did and he felt it was unjust because no one else had ever been treated this way, that his direct supervisor was William Hamby, Assistant Manager of Maintenance, that he had not had any prior disciplinary action in his 17 years of service. Mayor Brown, Council Members Tatro, Galloway, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Dr. Lillie Feng, One Baylor Plaza, Ste. 1317, Houston, Texas 77030 (713-798-5817) appeared and stated that she was a research doctor and worked at the Baylor College of Medicine and voiced her medical opinions regarding the West Nile Virus until her time expired. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. Richard Hilzendager, 7380 Moline, Houston, Texas 77087 (713-643-9239) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. Jimmy Hooker, 6713 Conley, Houston, Texas 77021 (713-733-0240) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Edwards, Ellis, Keller, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. Charles X. White, 4302 Reed Rd., Houston, Texas 77048 (713-734-3599) appeared and stated that he was present to give them an update and ask for their support and commitment for a program that dealt with citizens readiness for emergencies and disasters from the bottom up, that they conducted their first planning session Saturday, that he wanted to thank Council Members Quan, Sekula-Gibbs, Edwards and Robinson for helping and assisting and the first three attended and he really appreciated their attendance, that he was present regarding saving lives, that in the time of an emergency and in a disaster they had found that the citizens, regardless if they were talking about an urban area or River Oaks, were not organized in a manner that would maximize saving lives and property, they were trying to use the month of

May 2003 as a citywide drill and he would ask for their support in using the multi purpose center at West Gray in March for a citywide planning meeting, that they had also applied for \$1.6 million at the federal level for some civic areas, and they included the civic areas because they felt that the super neighborhood was a good organizing tool for the process, but they would ask for the City Council's help in helping Congresswoman Jackson Lee secure the \$1.6 million, they had included Rice University, the University of Texas Health Science Center, the University of Houston, Texas Southern and they had also included the Fire Department, the Police Department, the Planning Department and the Health Department in their budget for services that they render, so they would like the City Council's support from the lobbying standpoint at the congressional level as well as the group joining together as an action item as a commitment to Allison and September 11, that he was sure that everyone was committed, but they would like to do a joint venture with all of the City Council Members and have a planning session in each district and in March 2003 have a general planning session and getting ready for a citywide drill in May 2003. Mayor Brown, Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Upon questions by Council Members, Mr. White stated that the City departments were already trained and they continued to get trained, their focus was from the citizens within the community, that he thought the one thing that was coming out as a result to the report was that they were looking at evacuation routes and staging sites and the ham operators, those seemed to be the three most reoccurring things that came out of the workshop and that would not be such a cumbersome site and it would be more or less on the citizens to do this and not involve a massive mobilization of City services to do it, that they were trying to engage the citizens to be mobilized and organized to connect with City services so from that standpoint they did not see a massive expense in essence they did see a somewhat of a reduction in expense. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. John Johnson, 7101 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Mr. Robert Horton, P. O. Box 21635, Houston, Texas 77226 (713-697-0958) appeared and voiced his personal opinions until his time expired. Mayor Brown, Council Members Tatro, Galloway, Ellis, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

President Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-847-5100) appeared and voiced his personal opinions until his time expired. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

At 3:38 p.m. the City Council recessed until 9:00 a.m., Wednesday, September 11, 2002. Council Member Goldberg absent on city business. Mayor Brown, Council Members Galloway, Wiseman, Ellis, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

City Council Chamber, City Hall, Wednesday, September 11, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, September 11, 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-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Financial Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present.

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

At 9:18 Mayor Brown reconvened the meeting of the City Council and asked for a moment of silence in commemoration of those who lost their lives one year ago. Council Member Robinson absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 25

ACCEPT WORK - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract of \$1,181,277.96 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Construction of Winlow Place Storm Sewer Relief, GFS M0224-WP-3 (M-0224-WP) - 08.44% under the original contract amount - **DISTRICT D – EDWARDS** – was presented, moved by Council Member Tatro, seconded by Council Member Parker. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1053 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 10

7. **AMEND MOTION #99-1946, 11/9/99, TO EXTEND** expiration date from November 9, 2002 to April 8, 2003, for Apparel Uniforms for Houston Airport System, awarded to **CINTAS (formerly UNIFORMS TO YOU)** – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1054 ADOPTED.
8. **L. F. MANUFACTURING, INC** - \$40,518.00, **SOUTHWEST STAINLESS L.P., dba HUGHES SUPPLY** - \$46,370.50 and **C & C SERVICE & SUPPLY** - \$155,280.00 for Manhole, Fiberglass Access Parts Contract for Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1055 ADOPTED.
9. **CHEMICAL LIME, LTD.** for Chemical, Hydrated Lime Slurry and Fine Quicklime for Department of Public Works & Engineering - \$2,574,079.80 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1056 ADOPTED.
10. **BROOKSIDE EQUIPMENT SALES, INC** - \$44,266.25 and **LANSLOWNE MOODY CO., INC** \$989,313.75 for Equipment, Ford Tractor JCB/Alamo/Bush Hog/Rhino Repair Parts Contract for Various Departments - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-1057 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 25

16. ORDINANCE approving and authorizing termination of tax abatement agreement between the City of Houston, Texas and **ELLWOOD TEXAS FORGE, L.P. - DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2002-0845 ADOPTED.
17. ORDINANCE approving and authorizing amendment to Treated Water Supply Contract between the City of Houston and the **CITY OF HUMBLE** – was presented. All voting aye. Nays none. ORDINANCE 2002-0846 ADOPTED.
18. ORDINANCE appropriating \$167,748.86 out of Water & Sewer System Consolidated Construction Fund, and \$228,000.00 out of Housing & Homeless Consolidated Fund and approving and authorizing contract between the City of Houston and **S.S.M., L.P.** for construction of Water, Sanitary Sewer and Storm Sewer Lines to serve West Orem Place Section II Subdivision, CIP S-0800-71-03 and R-0800-71-03 - **DISTRICT D – EDWARDS** had been pulled from the Agenda by the Administration, and was not considered.
19. ORDINANCE appropriating \$235,349.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for reimbursement for acquisition of rights-of-way along Airport Boulevard from Telephone Road to IH 45 by the **TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)** under the Principal Arterial Street System (PASS) Program, CIP N-0611-06-1 (SB9033) **DISTRICTS E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0847 ADOPTED.
20. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **MEMORIAL PLAZA CIVIC CLUB** for Garbage Collection Service for the respective civic association - 11 Months - \$66.00 - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0848 ADOPTED.
22. ORDINANCE amending Ordinance No. 02-723, passed August 7, 2002, that awarded construction contract between the City and **GARVER CONSTRUCTION, LTD.** for Construction of Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, CIP R-0266-R1), and provided for funding for engineering testing services and contingencies relating to construction of facilities financed by Water and Sewer System Consolidated Construction Funds to correct the engineering testing services contract number – was presented. All voting aye. Nays none. ORDINANCE 2002-0849 ADOPTED.
23. ORDINANCE appropriating \$845,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **BILL MCDONALD CONSTRUCTION, INC** for Safe Sidewalk Project, GFS N-0610A-08-3 (SB9008-02); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0850 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

DAMAGES

1. RECOMMENDATION from City Attorney for settlement of lawsuit styled **BARTO WATSON, INC** v. City of Houston and Bob DeVillier; Cause No. 638,618; in the County Civil Court at Law No. Two (2) of Harris County, Texas - \$20,000.00 - Property and Casualty Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Goldberg. (Note: Council Member Goldberg removed his tag later in the meeting.

Council Member Berry stated that he wanted to thank Kroger, who provided the breakfast and had provided food and decorations downstairs to commemorate September 11, 2002, that Mr. Peter Roosel was present representing Kroger.

PROPERTY

3. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kelly A. Downing, declining the acceptance of, rejecting, and refusing the dedication of a 25-foot portion of a 50-foot corner clip, located at 704 East 26th Street, at the corner of East 26th Street and North Main Street, Sunset Heights Addition, John Austin Two League Grant - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1058 ADOPTED.

Council Member Tatro moved to suspend the rules to consider Item Numbers 15, 26, 26a and 28 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1059 ADOPTED.

15. ORDINANCE approving and authorizing contract between the City and **EDUCATIONAL PRODUCTIONS IN THE COMMUNITY LP** for Funday in the Park Events Citywide - \$416,000.00 General Fund – was presented, and tagged by Council Members Robinson, Edwards and Parker. (Note: Council Member Parker removed her tag later in the meeting.)
26. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 – (**This was Item 6 on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBERS TATRO, BERRY and KELLER**) – was presented.

Council Member Berry stated that he had passed out for everyone an amendment and Mayor Brown advised that his amendment was for 26a and Council Member Berry stated that he wanted to be clear on the amendment and the item, that if they voted on Item No. 26 before the amendment and the amendment overrides the item, that the amendment was a different tax rate.

A vote was called on Item No. 26. All voting aye. Nays none. MOTION 2002-1060 ADOPTED.

- 26a. ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2002 – (**This was Item 6a on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBERS TATRO, BERRY and KELLER**)

Council Member Berry stated that he wanted to read his amendment into the record and offered the following written amendment:

Amendment to Agenda Item 26A

“The 2002 property tax rate shall be \$.645/\$100 of assessed value.”

Seconded by Council Member Tatro and Mayor Brown stated that the amendment was in writing and did not require a second.

Council Member Parker stated that she would tag the amendment.

Council Member Tatro moved to postpone Item No. 26a for one week, seconded by Council Member Keller.

A roll call vote was called on Council Member Tatro motion to postpone Item No. 26a one week.

ROLL CALL

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting no
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson voting no
Council Member Keller voting aye	MOTION 2002-1061 FAILED

A vote was called on Item No. 26a. Council Members Tatro, Goldberg, Wiseman, Ellis, Keller, Sekula-Gibbs and Berry voting no, balance voting aye. ORDINANCE 2002-0851 ADOPTED.

28. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance and Administration Department to award to **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 – **(This was Item 13 on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBER ROBINSON)**

Council Member Robinson moved to postpone Item No. 28 for two weeks. All voting aye. Nays none. Council Member Quan absent. MOTION 2002-1062 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from John Norwood of Cobb, Fendley & Associates, Inc., on behalf of Hi-Lo Auto Supply, L.P., a Missouri limited partnership [Hi-Lo Management Company, a Delaware corporation (David O'Reilly, president), general partner] for abandonment and sale of a 5-foot-wide utility easement and a 5-foot-wide aerial easement, out of Lots 1, 2 and 3, Block 1, Terry Place Subdivision, and a 10-foot-wide easement and a 5-foot-wide aerial easement, out of Lots 1 and 2, Block 16, Chocolate Bayou Estates, Section 2, in exchange for the conveyance to the City of a 10-foot-wide utility easement, out of Lot 3, Block 1, Terry Place Subdivision, all within the H. A. Robinson Survey, Abstract 679, Parcels SY2-066A through D and VY2-024 - **STAFF APPRAISERS - DISTRICT D – EDWARDS** – was presented, moved by Council Member Robinson, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan absent. MOTION 2002-1063 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Karen Rose of Karen Rose Engineering & Surveying, on behalf of Catania Enterprises, Inc. (Aldo Catania, president), for abandonment and sale of a 13-foot by 56-foot portion of Westheimer Road right of way, out of Lot 6, in exchange for the conveyance to the City of a 5-foot by 106-foot strip of right of way for the widening of Westheimer Road, out of Lots 6 and 7, all within Block 9, Avondale Addition, Parcels SY2-070 and AY2-174 - **STAFF APPRAISERS - DISTRICT D - EDWARDS** – was presented, moved by Council Member Vasquez, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan absent. MOTION 2002-

1064 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Aisha M. Currie, Reliant Energy, requested the City sell to Reliant Energy Entex, a division of Reliant Energy Incorporated (David McClanahan, president, for sale to Reliant Energy Entex of a 30-foot-wide easement, out of the City's 1.7028-acre, former Southwest Water Well Site Number 7, located at 8002 Westpark Drive, Lot 1, Block 2, Westpark Center Addition, Section 2, Parcel SY3-004 - **STAFF APPRAISERS - DISTRICT G - KELLER** – was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Quan absent. MOTION 2002-1065 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 25

11. RESOLUTION approving the issuance and sale by **HOUSTON HOUSING FINANCE CORPORATION** of Multifamily Housing Mortgage Revenue Refunding Bonds (Emerald Bay Apartments) Series 2002A and Taxable Multifamily Housing Mortgage Revenue Bonds (Emerald Bay Apartments) Series 2002B - **DISTRICT B - GALLOWAY** - was presented.

Council Member Tatro stated that he wanted to point out that this was a loan for the Houston Housing Finance Corporation for multifamily housing and it was a for profit corporation that was constructing the apartments and thought it showed them that there were a lot of for profit companies out there that could make the numbers work and applauded the efforts of the Houston Housing Finance Corporation and Emerald Bay Apartments for bringing the item forward. Council Member Quan absent.

Council Member Parker asked Council Member Galloway if her issues had been resolved, that when the item came before the Housing Committee there were a number of neighborhood concerns, and Council Member Galloway stated that all the issues had been resolved in writing and the community was ecstatic about it, that she was very happy to know that they had some development going on in District B. Council Member Quan absent.

A vote was called on Item No. 11. All voting aye. Nays none. Council Member Quan absent. RESOLUTION 2002-0030 ADOPTED.

Council Member Sekula-Gibbs stated that on Item No. 6, for the record she did submit paperwork to be excused on Item No. 6 and did not participate in any discussion and had intended to not vote on Item No. 6, and Mayor Brown stated that it would be noted for the record.

12. ORDINANCE issuing permit to **SHELL CHEMICAL L.P.** to own, maintain, operate, acquire, construct or extend pipelines in public street right-of-ways and prescribing the conditions and provisions under which said permit is issued; containing a savings clause; providing for severability - **DISTRICTS E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2002-0852 ADOPTED.
13. ORDINANCE approving and authorizing Parking Management Agreement between **HOUSTON AQUARIUM, INC** and the City of Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2002-0853 ADOPTED.

Council Member Robinson stated that on Item 13 there was another groups of folks who had contacted him over in the Pierce Elevated area who were interested in cleaning up a section of the area that they were leasing from TXDOT and hoped that the administration would look at their request to work with them to clean it up and work out the same kind of leasing arrangement,

and Mayor Brown stated that Mr. Haines would follow up on it. Council Member Quan absent.

14. ORDINANCE approving and authorizing contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (formerly TEXAS NATURAL RESOURCE CONSERVATION COMMISSION)** for an Air Monitoring System - \$122,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2002-0854 ADOPTED.
21. ORDINANCE appropriating \$11,270,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to professional construction management services contract between the City of Houston and **OTHON, INC** for various construction projects with the Houston Airport System (Project No. 572A), CIP A-429 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2002-0855 ADOPTED.
24. ORDINANCE appropriating \$1,634,697.16 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **LAUGHLIN ENVIRONMENTAL, INC** for construction of Citywide Fire Hydrant Replacement and Height Correction, GFS S-0035-SR-3 (WA10719); 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. Council Member Quan absent. ORDINANCE 2002-0856 ADOPTED.
25. ORDINANCE appropriating \$62,490.00 out of General Improvements Consolidated Construction Fund; approving and authorizing contract between the City of Houston and **CST ENVIRONMENTAL, INC** for Asbestos Abatement Special Demolition at Canal Health Center, CIP D-0113-01-5 and providing funding for construction management and contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2002-0857 ADOPTED.

MATTERS HELD - NUMBERS 26 through 37

27. 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 - **(This was Item 10 on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented, moved by Council Member Tatro, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Quan and Berry absent. MOTION 2002-1066 ADOPTED.
29. 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 - **(This was Item 19 on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBER TATRO)** – was presented. All voting aye. Nays none. Council Members Quan and Berry absent. ORDINANCE 2002-0858 ADOPTED.
30. 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 - **(This was Item 27 on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented.

Council Member Edwards stated that she wanted to thank Ms. Bingham and the members of the Urban League and Minority Contractors and PSI who had a possibly fruitful meeting yesterday, that she was intending to delay the item some additional time, but would like to see if the Housing Committee could look into some issues that were brought forward through their discussions regarding emergency home repair, and Mayor Brown stated that it was the Housing Committee and Council Member Quan was the Chair and they would get the message to him. Council Members Quan, Berry and Robinson absent.

Council Member Ellis stated that he had just received a memo that was written from Ms. Bingham to Council Member Parker and asked if somebody could clarify it, that he did not understand why the program delivery services, the percentage of it was more expensive for Item 30 than it was for Item 31 and 32, that it said something about that they were unable to spread their cost across other contracts and would like some written clarification on that, and Mayor Brown stated that there was an explanation and would get him something in writing on it. Council Members Quan, Berry and Robinson absent.

A vote was called on Item No. 30. All voting aye. Nays none. Council Members Quan, Berry and Robinson absent. ORDINANCE 2002-0859 ADOPTED.

31. 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 - **(This was Item 28 on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBER EDWARDS and KELLER)** - was presented. All voting aye. Nays none. Council Members Quan, Berry and Robinson absent. ORDINANCE 2002-0860 ADOPTED.
32. 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 - **(This was Item 29 on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. All voting aye. Nays none. Council Members Quan and Robinson absent. ORDINANCE 2002-0861 ADOPTED.
33. 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 - **(This was Item 30 on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBER EDWARDS and KELLER)** - was presented. All voting aye. Nays none. Council Members Quan and Robinson absent. ORDINANCE 2002-0862 ADOPTED.
34. 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 - **(This was Item 46 on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBERS VASQUEZ and KELLER)** - was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE

2002-0863 ADOPTED.

35. 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 - (This was Item 47 on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2002-0864 ADOPTED.
36. 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 - (This was Item 49 on Agenda of September 4, 2002, TAGGED BY COUNCIL MEMBERS GOLDBERG and KELLER)** - was presented.

Council Member Keller moved to postpone Item No. 36 for one week, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Quan absent. MOTION 2002-1067 ADOPTED.

37. 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 Belfort 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 57 on Agenda of September 4, 2002, POSTPONED BY MOTION #2002-1050)** - was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2002-0865 ADOPTED.

Council Member Robinson stated that Mr. Spellman had provided him with the information that was outstanding on Item No. 28 so he did not need a two week delay after all and was satisfied. Council Member Quan absent.

Mayor Brown asked Mr. Hall what procedure must they use to reconsider Item No. 28 that was voted to be delayed two weeks, and Mr. Hall stated that if he was on the prevailing side he needed to make a motion to reconsider the vote by which it was delayed, and Mayor Brown stated that he made the motion. Council Member Quan absent.

Council Member Robinson moved to suspend the rules for the purpose of reconsidering Item No. 28, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan absent. MOTION 2002-1068 ADOPTED.

28. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance and Administration Department to award to **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 again before Council, moved by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Quan absent. MOTION 2002-1069 ADOPTED.

Council Member Parker stated that she wanted to remove her tag on Item No. 15, and Mayor Brown stated that Council Members Edwards and Robinson also tagged the item and asked if they were prepared to release their tags and Council Member Edwards stated that she wanted to keep her tag on the item. Council Member Quan absent.

Council Member Goldberg stated that he wanted to remove his tag on Item No. 1, that his questions were answered, and Mayor Brown stated that Council Member Goldberg released his tag on Item No. 1. Council Member Quan absent.

1. RECOMMENDATION from City Attorney for settlement of lawsuit styled **BARTO WATSON, INC** v. City of Houston and Bob DeVillier; Cause No. 638,618; in the County Civil Court at Law No. Two (2) of Harris County, Texas - \$20,000.00 - Property and Casualty Fund – was again before Council. Council Member Quan absent.

A vote was called on Item No. 1. All voting aye. Nays none. Council Member Quan absent. MOTION 2002-1070 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Galloway stated that she wanted to wish Council Member Goldberg a happy birthday and Council Member Goldberg stated that it was also her birthday and wanted to wish her a happy birthday, and Mayor Brown stated that he wanted to point out that it was also Chief of Staff, Oliver Spellman's birthday as well. Council Member Quan absent.

Council Member Galloway stated that she wanted to thank the person who worked on the Emory Bay Apartment project, that was the Northeast Beyond 2000 along with a lot of the civic club leaders, Mr. Frank Thompson and Mr. John Bland, to sit down with the CEO's of that project to come up with some good things for the community and she just wanted to commend them for their efforts. Council Member Quan absent.

Council Member Galloway stated that she knew they had been getting a lot of negative reports about the Police Department and what happened at the Kmart parking lot, but as she stated yesterday she wanted to reemphasize her appreciation for the hard work that the Northeast Station did for District B. Council Member Quan absent.

Council Member Robinson stated that the ceremony this morning remembering what happened a year ago today, he though was very well done and very appropriate, that it was a tough day all around for all of them, that he wanted to let everyone know and would hope they would keep everybody in their families, the City and across the Country in their prayers. Council Member Quan absent.

Council Member Robinson stated that he knew the Mayor had a press conference yesterday and they had gotten the memo from Acting Chief Oettimier, that it was his understanding that the reason they did not get an update today was because there was a posting issue, that the report had not been posted, and Mayor Brown stated that he would ask Chief Oettimier to come to Council and update the Council Members. Council Member Quan absent.

Council Member Robinson stated that there were still a couple of questions he had, that he had the memo and was assuming that the prosecutors in Municipal Courts had started to actually go through the process of notifying folks and those kind of things, and Mr. Hall stated that

there were actually two categories of people, those people who have yet to appear for trial and those people who had essentially plead, that those people who had yet to appear they would be joining in the motion to dismiss those as they came, they obviously had to go and do that in court before a judge, that for those who had already plead the prosecutors would actually be sending them letters advising them that they would join them in motions for a new trial and when those were granted the presiding judge advised him that based on the information that the Police Department had provided, she was sure that the courts would grant motions for new trials on that basis and they would be joining them in motions to dismiss those, and Council Member Robinson asked if there was any final position on the issue of the towing fees that some people incurred or was that still under discussion, and Mr. Hall stated that it was still under discussion, that they were trying to evaluate all of the ramifications of the incident and find legal ways to try to make people whole, that they had not yet resolved that, that hopefully by the briefing next week they would have been able to make a recommendation to the Mayor and could advise them of his decisions on those.. Council Member Quan absent.

Council Member Robinson stated that he hoped they would keep looking at the HMO issue because he had an opportunity to visit with some City employees and they were also sharing the same concerns, that he appreciated the debriefing but when they talked to the City employees, the information they were given in the briefing, was not what they were running into, they were running into doctors who were listed in the website and materials and when they called them those doctors had not been taking patients since September 2001, that some employees were of the view that there was material misrepresentation in what HMO Blue was representing to them in terms of access to doctors and hoped they would stay on top of that to make sure they could get them the best help and assistance under the health care plan. Council Member Quan absent.

Council Member Edwards stated that the items they tagged last week regarding the Emergency Home Repair only brought more questions to her office and hopefully she would like to see those addressed fully, in particular the amounts that were capped by the various agencies, that she understood and appreciated those caps but that left them a lot of homes within her district that were sub par and really no way of how to address it, that usually they came through neighborhood protection because they became an eyesore or what some neighbors saw as a problem, so she would like to suggest very strongly that the Housing Committee, if they could look at the numbers of homes they were not able to repair and then what kind of remedy did they have and also the number of disabled people that were involved in that Catch 22 situation. Council Member Quan absent.

Council Member Edwards stated that she had two problems in her community in their district that were leading to almost gunplay and she really needed to have a talk, that Mr. Hall had taken some interest and she appreciated it but she could not stress the normal SOP was not going to be appropriate and they had to take some serious action, and Mayor Brown stated they would make sure someone would follow up with her. Council Member Quan absent.

Council Member Tatro stated that on the Emergency Home Repair, they had a couple of incidents and thought they fell under contract compliance issue where constituents had their houses assessed, a contractor came out and looked at it and not until 6 months later were they informed that the repair amount was over the limit of the threshold for the organizations to repair and he thought that was a bit excessive, that obviously not all homes could be repaired under those contracts, but he thought that the six month delay was just excessive, that if the contract did not specify the turn around, it certainly should and they certainly should be adhering or mandating compliance to it. Council Member Quan absent.

Council Member Vasquez stated that he too would like to thank the Mayor for hosting the ceremony, that he thought it was a very moving and touching ceremony and an appropriate way to honor those individuals that were involved and passed away in the whole incident of the World Trade Center. Council Member Quan absent.

Mayor Brown stated that he wanted to invite everyone to come out this evening as well to the Miller Outdoor Theater at 7:00 p.m. where they would have a ceremony led by the Houston Symphony with a number of their local recording artists being there as well. Council Member Quan absent.

Council Member Vasquez stated that he would also like to congratulate the new chief, that he thought that the chief made a good decision and followed in the process very quickly and immediately, that he would also like to ask that the new chief review the decisions to suspend Captain Aguirre and the 13 other officers and would ask that to insure complete fairness and erase any potential of a negative cloud hanging over the incident and over the decision, that while he believed it was probably justified, based on what he had heard so far, he thought a new pair of eyes looking at it would restore confidence in that decision and add more credibility to the decision in light of all the things that had occurred, that he would send the Mayor and the new chief a memo requesting it as well, and Mayor Brown stated that he would ask him to do it, but to keep in mind that those officers were relieved of their duty with pay so they were not suspended, that a suspension occurs after some findings had taken place and that would be a form of discipline. Council Member Quan absent.

Council Member Keller stated that Council Member Quan had asked him to issue the current standings of their Municipal Campaign and right now Council Member Goldberg had a strong lead in kissing the pig, he had \$2.93 followed by Council Member Tatro with \$16.00, Council Member Ellis \$24.00, Council Member Edwards \$30.00, Council Member Keller \$31.00, Council Member Vasquez \$39.00, Council Member Berry \$44.00, Council Member Alvarado \$49.00, Council Member Robinson \$50.00, Council Member Parker \$82.00, Council Member Wiseman \$96.00, Council Member Sekula-Gibbs 105.00, Council Member Galloway \$133.00 and Council Member Quan \$473.00, for a total of \$1,179.96 and they had until Friday at 3:00 p.m. to put more into the piggy bank, that the pig would be kissed at the next Council meeting. Council Member Quan absent.

Council Member Sekula-Gibbs stated that she wanted to thank Ms. Toy Woods and the Greater Houston Builders Association for working with the Housing Committee on coming up with recommendations for a voluntary program on allowing visitability and wheelchair accessibility to be part of both the public and the private housing market in Houston, that there were opportunities there that were excellent, that she thought if the Greater Houston Builders Association, the Houston Association of Builders and the Public Housing Community would work together she thought they would find that a voluntary program could be very effective and added value could be brought to houses in Houston. Council Member Quan absent.

Council Member Sekula-Gibbs stated that she would like to ask Mr. Hall to write a letter of complaint to the Texas Department of Insurance regarding HMO Blue, that she thought that the City should exercise its responsibilities regarding their gross profits in the face of the City's encouraging their employees to tighten their belts and pay extra premiums and co-pays, while they were operating, she thought, serious mis information about their financial picture and the City's ability to negotiate in the future with them, and Mr. Hall stated that he thought that maybe it would be more appropriate if they would assist her in drafting a letter from her and her office in doing, that he thought it would be more appropriate for an elected official to write expressing concern as a representative of the City of Houston and he would assist her in it. Council Member Quan absent.

Council Member Sekula-Gibbs stated that everyone had heard about the woman in Atlanta who had received 63 units of blood and subsequently died after a motor vehicle accident and then her organs were used to give life to four organ recipients and all of those recipients subsequently developed West Nile Virus and one of them ded, that the question was if the woman in Atlanta had West Nile Virus before she was in the motor vehicle or did she receive West Nile Virus from one of the 63 units of blood, that question remained unanswered and the

CDC and FDA were looking at it very carefully because that would be the very first case of anyone contracting West Nile from a blood transfusion. Council Member Quan absent.

Council Member Parker stated that recently there were some articles in the local media and some discussion of misuse of handicap hang tags and at the time she was a little surprised what appeared to be their Parking Management folks throwing up their hands and saying there was nothing they could do to police or enforce it, that apparently other cities had been cracking down on the misuse of the handicap hangtags that apparently it was particularly prevalent downtown near the courthouse where folks could park for free and clearly they knew what they were doing, that she would like feedback on what they could do and what they intended to do to cut down on the problem and would appreciate a follow up report and Mayor Brown stated they would do that. Council Member Quan absent.

Council Member Alvarado stated that she also wanted to wish the City Controller a happy birthday, that hers was on Friday, September 6, 2002, that she also wanted to thank the Houston Texans for winning and beating Dallas and was glad that they did not have to see the Mayor wearing a Dallas Cowboy shirt. Council Member Quan absent.

Council Member Alvarado stated that they lost a great Houstonian this week, and whether they were Democrat or Republican they would all agree that Ms. Billie Carr certainly added a lot of spice to their politics in Houston and her condolences went out to the family and asked for a moment of silence for Billie Carr. Council Member Quan absent.

Council Member Berry stated that he wanted to commend the Mayor and his office and thought that Susan Christian had a lot to do with the very appropriate service this morning, that he was very proud to be an American and proud of the City of Houston in putting that together and thought it was appropriate as a tribute. Councils Member Quan and Robinson absent.

Mayor Brown stated that Susan was in the audience and that she did a good job. Councils Member Quan and Robinson absent.

Council Member Berry stated that Brian Hill was leaving the City to join the zoo and would like to wish him very well. Councils Member Quan and Robinson absent.

Council Member Berry stated that he would like to thank those individuals who agreed with him that at least consideration of the property tax rate was worth another week to talk about it, that he was very disappointed that a majority of Council decided that they could not wait one more week to consider what the City's tax rate would be. Council Member Quan absent.

Council Member Berry stated that he also would like to commend Council Member Wiseman because during the budget process she brought up the fact that there was potential for abuse in take home vehicles and those who saw Channel 13 on Friday night saw Tom Abrahms story basically telling them that she was right, that tomorrow City Controller Garcia was going to release a report that would suggest that there was \$500,000 per year wasted in take home vehicles, that was not from him or Council Member Wiseman but from the Controller's office and her audits, that he would like to thank Katie Dorfman from his office over the last week preparing documents. Council Member Quan absent.

Council Member Wiseman stated that she would like to thank Council Member Berry for the time and effort that he and his staff put in to putting together those numbers, that it did take time to dig and find the numbers. Council Member Quan absent.

Council Member Wiseman stated that last week she attended the reopening of Fire Station 52 in her district, that the station was built in 1962 and it was the first renovation that it went through, that it was an honor for her to participate in the ribbon cutting ceremony and to welcome the firefighters back home, that she knew that her constituents were very pleased that it was

reopened as was evidence by those who were in attendance, that she wanted to thank the participants in the ribbon cutting ceremony, that she was touched by a poem that was read at the ceremony honoring firefighters and read the poem. Council Member Quan absent.

Council Member Wiseman stated that after September 11, 2002, the children of Foster Elementary in Kingwood came together to create a flag made of canvas, tempura paint and their own precious little hands to honor the victims of September 11, 2002, and it was their decision to take the flag, sell it at auction and donate all of the proceeds to the 911 Victims Fund, that she purchased the flag at the auction and it was worth more than any amount of money they could have gotten for it, that she wanted to thank Mayor Brown for allowing them to hang the flag at the City Hall Annex in the lobby, and asked that they all go by and take a look at it. Council Member Quan absent.

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

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary