

City Council Chamber, City Hall, Tuesday, September 17, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 17, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office, Ms. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Mark Ellis absent on city business.

At 2:00 Mayor Pro Tem Quan stated they had several Council presentations and first would be Council Member Berry. Mayor Brown, Council Members Goldberg, Keller, Sekula-Gibbs and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Berry stated that as most of them knew the City of Houston had a Sister City relationship with Chiba, Japan and invited Ms. Denay Laflour and several students who had been a part of the Student Exchange Program to the podium to share their experiences. Council Members Goldberg, Keller, Sekula-Gibbs and Robinson absent.

Ms. Laflour stated that she was a Protocol Officer with the Houston International Protocol Alliance and their office was charged with helping to administer Houston's Sister City's Program and today they had middle school students who participated in an exchange program that the Japan American Society helped to fund for them and the students present related their personal experiences in the program in Japan. Council Members Goldberg, Keller, Sekula-Gibbs and Robinson absent.

Mayor Brown stated that the next presentation would be by Council Member Galloway. Council Members Goldberg, Keller, Sekula-Gibbs and Robinson absent.

Council Member Galloway stated that today they had a little hero who was four years old, that they knew that hero's came in all sizes, shapes and forms and invited Marcus Jones to the podium, that as they knew Marcus saved his family from a fire, that they could all have perished in that fire but thanks to little Marcus who was very smart, and read a certificate that stated that the City of Houston salutes Marcus Jones for his courageous and heroic act, September 12, 2002, that along with Marcus was his aunt, whose life he saved in the fire, Ms. Susan Thomas, and two of the firemen who helped were present, District Chief Jack Williams and Mark Donovan. Council Members Goldberg and Sekula-Gibbs absent.

Mayor Brown stated that he would now call on Council Member Quan. Council Members Goldberg and Sekula-Gibbs absent.

Council Member Quan stated that as they knew they had all been involved in the Consolidated Municipal Campaign and his co-chair Council Member Keller had been working very hard to get involvement by Council this year, that their goal was \$5,000 and for the first time in many years not only had they met their goal but had exceeded it and exceeded it overwhelmingly, that they hit over \$16,000 in the Consolidated Municipal Campaign, that they were present to thank Members of Council for all their hard work, and wanted to recognize a couple of people who had done an outstanding job and invited Mr. Lonnie Vara, Director, Human Resources, to the podium. Council Members Goldberg and Sekula-Gibbs absent.

Mr. Vara stated that he wanted to thank Council Members Quan and Keller for being their co CMC chairs for the City of Houston, that they raised over \$700,000 last year and each year the City employees really contributed a lot to the program, that in an effort to keep it fresh and fun they came up with the Kiss the Piggy Contest this year and really thanked them for their participation in it and as they could see they raised over \$16,000, that he wanted to give a special thanks to Monica Ho in Council Member Quan office and also Stephanie Cooper in Council

Member Parker's office, because they helped a lot to get this done, that the contest was to kiss the piggy so obviously somebody owed the piggy a kiss and they had Council Member Parker to help them. Council Members Goldberg and Sekula-Gibbs absent.

Council Member Parker stated that she wanted to be real clear that she was not obligated to kiss the pig, that she was not the last place finisher but the Council Member whose responsibility it would have been to kiss the pig was not present and in order to uphold the honor of Council because someone had to kiss the pig, she had volunteered for the duty, that she wanted to make sure that they appreciated the sacrifice that she was making on everyone's behalf. Council Members Goldberg and Sekula-Gibbs absent.

Mr. Vara stated that he was afraid they were going to have trouble with Wilbur the pig so they had a stand in, they had someone else who had graciously stood in and had a snout for trouble better than Wilbur and invited Wayne Dolchifino to the podium to get the kiss, and Ms. Cindy Sax presented Mr. Dolchifino with a gift of candy and a t-shirt.

Mr. Vara stated that on behalf of the CMC Campaign they really appreciated what Council Member Goldberg and the rest of the Council Members had done to raise \$16,000 for a very worthy campaign and presented Council Member Goldberg with the first place award.

At 2:20 Mayor Brown called to order the meeting of the City Council and Council Member Alvarado invited Father Paul Hovinitz of Saint Christophers Catholic Church, located in District I, to lead everyone in prayer and Council Member Alvarado led everyone in the pledge of allegiance.

Mayor Brown called on Council Member Parker for a moment of personal privilege, and Council Member Parker stated that many on Council had met her life partner Kathy Hubbard and her sister Sue, but their folks were in town and she wanted an opportunity to introduce them and stated that Richard and Virginia Hubbard of Pottowanda, a suburb of Buffalo, New York, that Dr. Richard Hubbard was a retired professor from Niagra University and Virginia Hubbard from the Urie County Library System and they were very active volunteers in the community of Buffalo and were in town for a national convention of Zoo docents and asked that they all stand and be recognized.

Mayor Brown stated that they welcomed them and hoped they enjoyed their visit.

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

Council Member Galloway moved to suspend the rules to hear Mr. Charles Mathews and Mr. Otis Jordon out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Ellis absent on city business. Council Member Parker absent. MOTION 2002-1071 ADOPTED.

Mr. Charles Mathews, 2310 Crescent Park, No. 806, Houston, Texas 77076 (281-589-8208) appeared and stated that he had a handout for Council Members and read the following statement:

"I am here today to try and get my job back. I have been wrongfully terminated by the Houston Fire Department. I was singled out and terminated without just cause and without due process and I am here to ask for your help.

I began the Academy on May 20, 2002. I was an excellent student, ranked #14, had no

problems.

On Thursday, August 8<sup>th</sup>, I was told I was being held back from my station because some statements had been written against me by fellow classmates for insubordination, cheating, threatening a student and sexual harassment.

The next day, Friday, I found out from several of my classmates that 5 cadets were approached by my class officers and were made to write the statements. My officers at the Academy approached 5 of my fellow classmates and told them they had to write statements about me or pretty much their jobs would be on the line. The one female cadet that was approached was told to write a statement in regards to the sexual harassment. She told the officers that she did not want to write the statement and I had never harassed her, but they made her write a statement anyway.

All of the 5 cadets wrote statements for different things that had supposedly happened on different dates, but I am supposed to believe that all 5 cadets coincidentally came forward on the same day to make these statements.

Not to mention that these are all trumped up charges with no proof or evidence. There is no written documentation that these incidents ever occurred, there is not one of my class officers that can say I did these things or say they witnessed me ever acting in an unprofessional manner.

When I found out that these statements were more or less forced out of my classmates, I asked a couple of the actual cadets that were approached if they would be willing to sign a statement for me just saying that they were approached to write statements and they did not want to write them. Melissa Sherman was one of the cadets who I asked.

I was not told by anyone that I could not talk to these same cadets until I reported to the Office of Inspector General on Monday, August 12, 2002. It was at this time that I was formally made aware that an investigation was being initiated and I was instructed that I was not to talk to any of my fellow classmates about the investigation. I did as I was ordered. I did not talk to anyone about this investigation on or after August 12, 2002.

But in my termination papers, the department's reason for terminating me is that I contacted Melissa Sherman and tried to persuade her to change or withdraw her statement.

I never asked anyone to change their statement. Cadets were telling me what was going on and all I ever asked was for someone to come forward for me and tell the truth.

But the day after I asked them to sign a statement for me, which was before August 12th all of a sudden no one would talk to me and I couldn't get a hold of anyone. Then when I went to the OIG and they said I wasn't allowed to talk to anyone, I figured the cadets were probably told the same thing.

Underlying all of this is the fact that none of these trumped up charges were ever proved. The department launched a full investigation on the sexual harassment charge and I went up before the Review Board Hearing for the other charges. No evidence was ever found and I couldn't be terminated for any of the charges because there was absolutely no proof that I ever did anything.

I mean out of all of the charges brought against me, the department is not using one of those as their basis for my termination. They are saying that I am being terminated because I contacted a classmate, Melissa Sherman and attempted to persuade her to change or withdraw her statement.

I talked to Melissa the day after I found out about these statements and my last conversation with her was on August 10<sup>th</sup>.

I did not go to the OIG until August 12<sup>th</sup>, I didn't know I wasn't supposed to talk to anyone before that.

It seems like, for whatever reason, since they couldn't make the allegations stick, they made up something else.

I am here today to ask you to exercise your power and reinstate my job, to allow me to continue my work in the Academy and to avoid any unnecessary legal action concerning the manner in which I have been treated. All I want is to become a Fireman. I was a great student, and I know, given the chance I will make a great Fireman."

Council Member Galloway stated that if they would recall last year they had some similar problems in the academy and she did not know what was the problem in that department and the money that they spent to train the individuals, that it was always something that had never been able to be proven against the individuals and they had to come before City Council, that she was asking the Mayor to look into this and do a thorough investigation because like she said a year or so ago there were many things that she heard that go on in the academy. Council Member Goldberg absent.

Mayor Brown stated that Chief Sims was present and would meet with him right now and wanted him to also have the Office of Inspector General review what transpired and report back to them his findings. Council Member Goldberg absent.

Mr. Otis Jordon, 7663 S. Glen Willow, Missouri City, Texas 77489 (281-438-4124) appeared and stated that 23 years ago he was in the Fire Academy and had the same problem, high GPA, educated, but he had a problem being a man, they had problems out at the Houston Fire Academy and they had been asking the Council to look into those problems out there, that he was on the review board at the academy and went out and spoke on some issues about the academy about some incidents with cadets, that he was under investigation for just speaking in a confidential hearing behind the officers in the Fire Training Academy, that they had big problems in the Fire Department, that they talked about diversity, they talked about moving up in the Fire Department, they were the world's largest accredited Fire Department, that was not true, that all they wanted was a citizen of Houston, a kid in the City to have the same opportunity as any other person in the City, that it was ashamed after September 11<sup>th</sup>, all the stuff that this great Country went through, that they had to be terrorized in their own City and in their own Fire Department, that it needed to stop. Council Member Goldberg absent.

Upon questions by Council Members, Mr. Jordon stated that if they were in the academy and had an officer who did not like them, they would just single them out and ride them until they got their job, that while he was in the academy he went and carved on a tree on a break and they called him in and wanted to know who carved on the tree, that he had to go to the chief's office that day, along with some other stuff about harassing cadets and that type of stuff, that they said he got everybody in the class to flunk an exam, that they just made up all kind of stuff, that it had been going on for years, that they had people scared to come to Council and talk because they did not want to be singled out, that he put his job and career on the line, that it was serious and very upsetting, that they had a problem with leadership in the Fire Department, the command staff and the person over the training academy, they had to be looked at, that Mr. Mathews was singled out for tampering with an investigation, that in the Fire Department someone just made a half million dollar mistake on debit day pay and nothing happened to them, they just wanted the Fire Department looked at, that present with him was Mr. Richard Fontenot, the Caucus Chairman for Local 341 and one of his members, that having a contract and how they treated people was separate, that they either wanted to be fair or unfair, and the Fire Department was

not fair because they would not be present if it was, that if they were going to have a review board they had to have a makeup that was representative of some diversity, that one of the deals they wanted was trying to go to assessment centers but dealing with Local 341 they would never get there, but what they were asking for today was to look into the Fire Training Academy, and Mayor Brown stated that there were things that they could look at, which they were looking at, were minorities disproportionately flunked out of the academy, was discipline disproportionate to minorities compared to others, all those things they were looking at, that he had met with them on more than one occasion and this was an ongoing process so things could be studied to see if there were problems that they could put their fingers on. Council Member Goldberg absent.

Upon further questions by Council Members, Mr. Mathews stated that he was in a probationary period, he was a firefighter trainee, that he was not in Local 341 because they were not allowed any of those rights as a trainee, that the academy was about 14 months, that August 12, 2002 was when he was officially notified, that the OIG concluded that there was insufficient evidence to prove the allegations, that they now had a Public Safety Committee and they would have an opportunity to join in with whoever the administration saw fit. Council Members Galloway, Goldberg, Keller and Quan absent.

After further discussion Mayor Brown stated that they had gone through this before and it was determined based upon the investigation that the person was dismissed improperly and the statement was the final outcome, that the study was an ongoing process and was being coordinated out of the Chief Administrator's Office. Council Members Goldberg, Vasquez and Quan absent.

Ms. Juana Hawk, 10522 Beechnut, No. 705, Houston, Texas 77072 (281-568-9313) appeared and stated that she did not know if they had jurisdiction in the matter but maybe they could refer her to an agency that might be able to help her, that her problem was with the Attorney General's office, that she had been trying since 1992 to collect child support and the figure was now \$20,000 and the Attorney General had not helped her in getting the non custodial parent to pay that amount, that the person was in contempt and had been in contempt for several years, that she had talked to Randy Boykin at the Attorney General's office and asked him to issue a warrant for the person's arrest and revoke their driver's license, which he refused to do so, that he told her that the Attorney General's office did not have the resources to do so and that she had to hire a private detective on her own to locate the person, that she had given Mr. Boykin all the information that she had on the person, address, current phone numbers and everything and had not been able to get any assistance, that she was at her wits end and had written letters to all of her State Representatives and Senators and had still not been able to get any help, that their next court date was October 2, 2002, that she had written a letter to the judge to ask if they could cite the person for contempt and at that point issue some type of arrest warrant so that she and her children could seek financial relief. Council Members Galloway, Vasquez and Quan absent.

Mayor Brown stated that he would ask Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office, to meet with her and see if he could point her in the direction that would help her accomplish her objective. Council Members Galloway, Vasquez and Quan absent.

Ms. Genova Holland, 915 Franklin, Ste. 6H, Houston, Texas 7702 (713-728-2883) appeared and stated that she was with Artview, a new non profit Texas corporation formed for the purpose of promoting art in Texas particularly in Houston, that there were a lot of young artists or artists who were not brave enough to go into galleries and fight for presence in the community, but they had a lot of artistic talent in Houston and they believed that art was important to the children and their middle and later years and as a way of promoting art and also supporting the businesses in their community they do not maintain a gallery but they present art in various forums, they were invited by businesses to put on exhibits in their locations and they were focused now on bringing people into the Houston downtown and near town areas, that they made their debut into the Houston art community in August with a show that brought 300 people down into the heavy

construction area of the Historical District on a weekend when there were no big downtown events, that they encouraged them to patronize the local businesses, that Papillion became aware of them in that show and they were hosting a three day event or a series of events at their restaurant tomorrow, that she was present to introduce Artview and to invite them to join them and to let them know they were out there and doing some very good work and appreciated their support. Council Members Tatro, Galloway, Vasquez and Quan absent.

Mayor Brown stated that they appreciated what they were doing, the arts were very important to the City and the quality of life, and he, along with the Council, had been very supportive of the arts and would continue to do so. Council Members Tatro, Galloway, Vasquez and Quan absent.

Ms. Connie Fortenberry, 10219 Burden, Houston, Texas 77093 (713-697-7594) appeared and stated that she was present with a complaint, that it had to do with the lots around the area where she lived that they just did not keep them up, that there were old tires, water containers and rat infestation, that the mosquitoes with the virus scared them all, that Coop Elementary School was just a block away from there and children walked by, that they had a lot across the street from her house that had been cleaned one time since 1977 and it looked like a jungle, that they paid to have that ditch across the street from her house cleaned and cut so that they did not have to face all that, but it just brought the value of their home down and around the area, that it was real funny because she had tried since April and had called numbers she was given and had talked to four or five people and since she called to make an appointment to come to Council, she had six calls from all of these people, inspectors, that today before she left a young man came by, a community service inspector and he said that eventually it would come back down to him, that the law had no teeth, that they had a law to get the lots clean by the owners or whoever, but they just did not get done, and he told her he had the area from 610 to the city limits, from Hardy all the way to Hirsch, for one person, one inspector to do all that, that was too much, they needed more people, that she understood that the Neighborhood Protection Division, as she read in the newspaper a couple of days ago, was not doing their job, but it was because they did not have enough people, she guessed, and then a lot were the homeowners or renters who did not care, that she had pictures with her of the lot next door and had given them the name of the company who owned that lot, they had money and had all kind of plumbing trucks but would not clean it, so she just wanted their help, they had a lot of elementary schools there, that it was just sad that people just did not care, that she had a house in Galveston and if her renter did not keep that yard clean, she would get a letter that says she had 10 days to do it or they would do it and she would have to pay for it, that she heard that Houston had the same law but no teeth. Council Members Tatro, Galloway, Vasquez, Sekula-Gibbs and Berry absent.

Mayor Brown stated that Mr. Greg Simpson, Neighborhood Protection, was present and would meet with her and work with her in getting the problem resolved. Council Members Tatro, Galloway and Berry absent.

Mr. Joseph McElligott, 20927 Kings Clover Court, Humble, Texas 77346 (281-852-5798) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway and Berry absent.

Mr. John Kurian, 211 Stratford, Houston, Texas 77006 (832-563-8260) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway and Berry absent.

Mr. Kerry Toorcana, 12322 Barbizon, Houston, Texas 77089 (281-481-3518) appeared and stated that he was present to discuss an amendment to an existing ordinance under Chapter 5, Amusements, the section titled Dance Halls, that the section detailed specific procedures rules and regulations when applying for a Dance Hall permit, specifically Section 5.74, which stated that in order for a license to be granted that the Chief of Police must approve it and Section 5.85, where permits could be revoked if persons selling or distributing substances in violation of the

Texas Controlled Substances Act were on the premises, that the reason he was contesting those sections was due mainly because of the intent that the ordinance was implied and how it was enforced, that he organized and coordinated electronic music concerts or RAVE's as they were more commonly known as, that the specific section within the ordinance had been used to selectively target and shut down the operators and organizers of such events, that it was impossible to control the conduct of every person within the event and it seemed rather unreasonable to hold the event promoter responsible for the acts of the attendees, that if it was a strategy that was being used then why not go after the operators and owners at night clubs, bars and even events held at the Aerial Theater or the Woodlands Pavillion, if truth be told those events were not without their faults, there had been a major explosion of ecstasy abuse among young people, there were corrupt promoters and club owners, that they did profit off of the sale of drugs at events by turning a blind eye to the dealers who were in direct collaboration with those entities, that there had also been sacrifices where poor facilities, security and greed had led to harmful results and even deaths of concert attendees, that he was a promoter in Houston and had taken up the responsibility to make the City realize what was occurring from their perspective, that he wanted Houston to enjoy the same things that Europe, London, Miami and even Detroit had come to realize, that there was a market out there for these events and they should be recognized as legitimate entertainment, that the Detroit Electronic Music Festival draws over 1 million people to its city annually just to participate in this event, that Miami hosts a winter music conference which was an international event for electronic music lovers and draws well over 100,000 from all over the world, that Houston must come to realize that they were capable of doing this and so much more and all they asked was to enjoy the same rights given to concert operators like Clear Channel Entertainment, that he believed in government and believed that the system could be made to work for everyone if they made through the proper channels instead of just fighting it, that it had been a fight for the last several years between both sides, that what he really desired was to bring both sides back to the table to discuss ways that they could go ahead and have these events, that they knew they could not stop everybody but they should not deprive those who did enjoy those events in a safe and legal manner, that it was a right for everyone and he as a sole proprietor, the concert attendee and for the artists who depended on these events for their livelihood and well being, that he believed that they could forge great relationships that could be fair for all interested parties and set the standards for the rest of the Nation as a whole. Council Members Tatro, Galloway, Quan, Berry and Robinson absent.

Mayor Brown asked Mr. Bibler to update them on what the legal issues were and Mr. Bibler stated that he listened to it all very intently but really could not understand what the problem was, that it was not an ordinance that he was familiar with, and Mayor Brown asked Mr. Toorcana what he was asking for them to do, and Mr. Toorcana stated that essentially this specific ordinance was being used to selectively pick and chose who got to throw events or what not, that they got shut down every time they tried to throw an event, regardless of how many rules or how much security was posted, they tried to go above and beyond to make every event as safe as possible, and if the ordinance was being used selectively why not apply it to every where that drugs had been found, and Mayor Brown stated that Assistant Chief McClullen was present and would meet with him and get more detail about his concern and take it back to the Police Department and if necessary talk with people in the Legal Department and see if there was anything that needed to be done differently. Council Members Galloway, Quan, Berry and Robinson absent.

Ms. Deborah Elaine Allen, 6000 Telephone No. 408, Houston, Texas 77087 appeared and voiced her religious and personal opinions until her time expired. Council Members Galloway, Wiseman, Quan, Berry and Robinson absent.

Mr./Coach Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Wiseman, Quan, Berry and Robinson absent.

Mr. Carl Cato, 7710 Boggess Road, Houston, Texas 77016 (713-492-1000) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Wiseman, Quan, Berry and Robinson absent.

Ms. Dorothy Rucker, 15004 Crosswinds Dr., No. 5901, Houston, Texas 77032 (281-590-4584) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Wiseman, Quan, Berry and Robinson absent.

Mr. John Hall, 2710 Pecan Court, Missouri City, Texas 77459 (281-416-9836) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Wiseman, Quan, Berry and Robinson absent.

Mr. Kenneth Jenkins, 12131 Poulson, Houston, Texas 77031 (713-778-6040) appeared and stated that he was present to speak about a building project that was going on in their community between the Gattlinburg, Stanwood and West Bellfort Place, that the reason they were present was that the homes that were going up in that particular area there was discussion about the actual flooding, that there could be flooding in that area because of the way the homes were being built, since there were 86 homes being built in that one area, that it was not the families but it was because there would be such a large community, that they would not have a pool and that was one of the reasons they were speaking and they felt they would actually come because they were having some problems right now with having people coming in and swimming in their pool, and then the drive through, because of the way the landscape was actually set up it would be harder to get to the Beltway to get a easy drive into town or other parts of the City they would actually use their community to drive through, those were some of the issues and what they were asking in their community, which was West Bellfort Patio Homes, was that they take a look if there was a way to help them bring Mr. Walker, who was the builder, to the table, that they were not looking to stop him from building, but it was just to make some modifications, that they actually did a building on the opposite side of Ricefield School Road, which was on another side of their community, where in their Phase I they put the garage doors or the garage back with the house and in the other phases they brought the garages closer to the street, that it did make a difference, because when they actually drove through the communities they would notice that where the garage doors were closer to the street more people were parking on the street, and if more people were parking on the street then there were community problems there, that they wanted to bring the gentleman to the actual table and speak with him, but in his opinion, from what he had seen, was that a number of people had talked to him about coming to the table and speaking with them but he did not feel like he had to because he bought the land and because he bought the land it was actually his, that the reason that they had brought it to the Council was because there was a grant that was actually out that he had used because they were trying to bring more homes into the Harris County area. Council Members Galloway, Wiseman, Quan, Sekula-Gibbs, Berry and Robinson absent.

Upon questions by Council Members, Mr. Jenkins stated that he lived in District C, that what the Council had put on the table was that in most cities they had 60% homes and 40% apartments, but in Harris County it was actually the opposite, so they had a grant for builders to actually come into the community and it made it a little easier for them and he was for that, that in their community he was for the homes because there could have been a strip center or apartments but the only thing they were asking was when the builders came to build was there a way to put on the paperwork or within the contract that they could spend some time with the community just to find out some modifications, that he was talking about the development project called Villages of Glenshire. Council Members Galloway, Wiseman, Quan, Sekula-Gibbs, Berry and Robinson absent.

Council Member Goldberg asked Mayor Brown if they were having all of a sudden more water building up in the streets, could they have someone look at that development again, that they had not actually broken ground yet and had an opportunity to see where the rainwater would flow, and Mayor Brown stated that he would ask Mr. Gary Norman to meet with Mr. Jenkins and



use either Public Works or Planning or what ever department was necessary to take another look at it. Council Members Galloway, Wiseman, Vasquez, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Elain Gaskamp, 315 Petersham, Houston, Texas 77031 (713-980-5103) appeared and stated that she had been a resident of Glenshire Subdivision for 30 years and was their past president three times and had been in charge of deed restrictions for about 5 years, so she had done a lot of community service out there as well as Council Member Goldberg for his help and assistance with the developments that had been occurring around their subdivision, that Glenshire was divided by Beltway 8 so in the past the City had worked with their community, formerly with former Council Member Wong, with the sound walls, and most recently Council Member Goldberg had helped them with some of the commercial development along the Beltway, one being the hot sheets motel that they may be familiar with and prior to that the Beltway Express of which they came to Council with a petition, that today she was present with a petition, she had over 500 signatures in a very short period of time, from residents of their subdivision that were very concerned, as Mr. Jenkins in his presentation made to them, about a flooding issue, that their neighborhood was 30 years old and had a lot of character and integrity and they were very proud of the strict deed restriction enforcement that they had, that people were very surprised when they drove through the neighborhood, that they were present because they were concerned about the flooding, about a development that they wanted to be a good neighbor to but also in response they wanted them to be a good neighbor to them, that they were asking Council if in some way they could help them bring the developer to the table with a group of residents, that he had been in correspondence with one member of their board of directors, but she thought it was important for the patio homes, West Belfort Place, be included in that, as well as some of the residents that were adjacent to the property, that mention had been made that it might be a welcome addition to have the developer do a topographical survey to see how the water flowed, that in their wanting to visit with Mr. Walker he had moved his schedule up and cleared trees and had not removed any of it from the site yet, so they would like to sit down and know what kind of homes he was going to build, that they did know it was 80 plus dwellings, they did not know where the children were going to play, so they had safety and traffic issues as well because there was one street through there, that she had a copy of the plat and would be glad to pass it out to the Council Members. Council Members Galloway, Wiseman, Vasquez, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he would try to make an effort for their civic association to meet with the developer there, that they had his name and phone number and would try and set up a meeting, that this was a project where the City of Houston paid up to \$2,000 for each home that was built that was under the medium average of homes and the \$2,000 went towards the infrastructure, for sewage, water, storm drainage, the utilities, that he had talked to the developer and the project would not have been done had it not been for the City's sponsorship on some of the lots, so that was all the more interest that they needed to take an interest and make sure they were not harming the other communities around it. Council Members Galloway, Wiseman, Vasquez, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Parker asked Council Member Goldberg if he was trying to arrange a meeting with the developer and Council Member Goldberg stated yes. Council Members Galloway, Wiseman, Vasquez, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Indar Maharaj, 505 ½ Little York Road, Houston, Texas 77076 (713-694-8473) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Wiseman, Vasquez, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 15 Charleston Park, No. 1107, Houston, Texas 77025 (713-665-1929) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Wiseman, Vasquez, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Daniel Sloan, 4916 Main Street, Ste. 120, Houston, Texas 77002 (832-6999) appeared and stated that he was the CEO of Emission Reduction Specialist, that Emission Reduction Specialist was focused on developing projects that reduced emissions on both on road and off road mobile sources, that he was sure they were all familiar with the State implementation plan that went into effect January 2002, that it called for 90% reduction in NOX by January 2008, that was a pretty lofty goal to achieve in such a short time, that one of the reasons that Emission Reduction Specialist had been focusing on the mobile source emissions was that industry, given that it was going to reduce emissions as much as possible, it was still not going to be enough potentially to reach that goal, that Emission Reduction Specialist had right now \$5 million committed to doing mobile source emission projects, they had been meeting with the Houston Galveston Area Council and he did a presentation in front of the Air Corp Board about partnering with them to do projects in the City of Houston whether it be on road or off road to help reduce emissions, that his goal in being present was to educate the Council on what they were trying to do and to find a champion that was passionate about the issue and someone in the Council who could help them spearhead the efforts and fast track them because 2008 was right around the corner and if they did not start moving forward on doing some mobile source projects time may run out. Council Members Galloway, Edwards, Wiseman, Vasquez, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that as he may or may not know the City had been very much involved in taking a leadership role, even in putting together the State implementation plan, in fact when the Regional Director of the EPA signed off on it he said it was the most technologically advanced plan that he had ever seen and asked what he wanted the Council to do that they were not already doing, and Mr. Sloan stated that he thought they were doing a great deal, and what Emission Reduction Specialist would like to do was kind of help the City of Houston along with that plan, they had monies of their own to go ahead and do emission reducing projects, that they were not looking for work, they had a number of clients that they could do projects with, but given the fact of the TERP funding and the problems with that, that he was looking for a champion within the City of Houston, and Mayor Brown stated that he would refer him to Dr. Pam Berger, who was their environmental specialist and she could sit down with him and provide what information on what they were doing and what they were going to do. Council Members Galloway, Edwards, Wiseman, Vasquez, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Rae Song, 2125 Augusta, No. 76, Houston, Texas 77057 (713-540-6725) appeared and related her personal experiences of being blacklisted and not allowed to enter Iceland and voiced her opinions regarding the practice of Falun Gong and the Chinese government's harassment in opposition to the practice until her time expired. Council Members Tatro, Galloway, Wiseman, Vasquez, Alvarado, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Parker, Ms. Song stated that she had a confirmed air flight ticket and a valid US passport and based on the treaties between the U. S. and Iceland, U. S. citizens did not need permission to go to Iceland, that she had a connection from Houston to Baltimore and from Baltimore to Iceland and when she showed up at the Baltimore Airport and handed over her passport and ticket, the counter person told her she could not go to Iceland because her name was on a list and anybody who was on the list could not go because the Chinese government had given them a list, that there was no reason for the Chinese government to have her on a list except for the actions of the local Chinese consulate. Council Members Tatro, Galloway, Wiseman, Vasquez, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Hau-Yu Sun, 7365 Regency Square Court, Houston, Texas 77036 (713-540-6725) appeared and related her personal experiences and voiced her personal opinions regarding the practice of Falun Gong and the Chinese government's harassment in opposition to the practice until her time expired. Council Members Tatro, Galloway, Wiseman, Keller, Vasquez, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Sun stated that she was being harassed in the Houston area, that Falun Gong practitioners take their own money and buy air time, for example two hours everyday, and the Chinese Consulate sends members to the radio station and asks them to not sell them air time and not to let them speak their voices, that it was also in the local Chinese newspapers, that the Chinese Consulate had gone to them and pressured them to cancel the contract, that when they are in front of the Chinese Consulate doing meditations and exercises and they had cold water poured on them from on top of the building, they had eggs thrown at them and they had their cars vandalized, that they were ordinary, everyday people who just wanted to be better people with healthy bodies and did not know what to do, that was why they came to Council because they had made commitments to help Houston to be a good community and a great City, that a lot of people were scared to speak up because the Chinese government had ways and measures to pressure people. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she did not know about the political ins and outs, but if Houstonians, who were within their reasonable rights to protest and so forth, were being harassed, she would like to have that looked into, and Mayor Brown stated that if there were violations that occurred then what they should do was report it to the Houston Police Department, that as they knew in this Country anyone had the right for peaceful protest, so when they find they had been the victim of any crime the appropriate thing to do was to call the Houston Police Department and report it to them and then they could conduct the investigation, that if the Chinese government was harassing them it sounded more of a political issue than a criminal law issue and asked Mr. Bibler if there was anything illegal about their doing that. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Bibler stated that what he would like to suggest was that he had some dealings with the Chinese Consulate on another matter and by virtue that he had a contact with the State Department in Chicago if they would like for him he could ask that person to call them, that he had their phone numbers on the speakers list, and see what she could do to help them and Ms. Song stated yes, and Mr. Bibler stated that he would tell her that they appeared today and ask her to contact them. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Wiseman, Keller, Vasquez, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Leon Lemmons, 6603 Barronton Dr., Spring, Texas 77389 (713-241-8172) appeared and stated that they were asking for a resolution or proclamation to recognize the benefits of Falun Gong and make a stated for the right to practice and voiced his personal experiences and opinions regarding the practice of Falun Gong and the Chinese government's opposition to the practice until his time expired. Council Members Galloway, Goldberg, Wiseman, Keller, Vasquez, Parker, Quan, 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, Keller, Vasquez, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

President Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-847-5100) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Keller, Vasquez, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (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. Council Members Galloway, Goldberg, Wiseman, Keller, Vasquez, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

At 3:50 p.m. the City Council recessed upon motion by Council Member Edwards, seconded by Council Member Tatro, until 9:00 a.m., Wednesday, September 18, 2002. Council Members Galloway, Goldberg, Wiseman, Keller, Vasquez, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, September 18, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, September 18, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present.

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

At 9:11 Mayor Brown reconvened the meeting of the City Council and stated that he would use his Mayor's Report time for a briefing from Acting Chief of Police Tim Oettmeier.

**MAYOR'S REPORT** - Briefing by Acting Chief of Police Tim Oettmeier on status of investigation of incident at 8400 Westheimer

**TALKING POINTS**  
**5700 & 8400 WESTHEIMER**

**OPENING COMMENTS**

- Mayor... members of City Council. I want to thank you for this opportunity to provide an update on the status of our investigation into events that occurred on August 16 and 17, 2002, at the K-Mart, Sonic, and James' Coney Island restaurants located on Westheimer.
- On Tuesday, September 10<sup>th</sup>, a news conference was convened to announce that in the interest of justice, all Class C charges associated with the police operations at 5700 & 8400 Westheimer should be dismissed.
- This recommendation was made on the basis of information developed from our internal investigation up to that point in time.
- That news conference was necessary because of a scheduled municipal court appearance that afternoon at 4 p.m. followed by several others scheduled for the next morning, Wednesday, September 11<sup>th</sup>. For this reason alone, I was unable to brief City Council prior

to making my recommendation to the Mayor and to the city's Legal Department.

- This morning, I want to present to you the most current information we have available and attempt to answer your questions without compromising the on-going administrative and criminal investigations.

WHAT HAVE WE DONE SO FAR?

- At this time, there is still a total of 13 police supervisors on relief of duty with pay status. The breakdown of ranks is as follows: 2 Captains, 2 Lieutenants and 9 Sergeants.
- As was previously explained to Council, typically, an officer, regardless of rank, is relieved of duty when an allegation of criminal or serious administrative misconduct is alleged and the department's preliminary investigation indicates that a particular officer may have been involved with that misconduct. An officer being relieved of duty is not a sign of guilt, but is done to protect the officer and citizens, as well as to maintain the integrity of the investigation.
- The placement of these 13 individuals, on relief-of-duty status, is consistent with how we would treat any other member of our department given the facts as they were known at the time of the decision.
- Upon reviewing this matter with the appropriate departmental personnel, I have determined that the investigation is not currently at a point where the relief-of-duty status can be modified.
- A total of 16 investigators from the Internal Affairs Division have been assigned to this investigation and are working 13 to 14 hours a day, six days a week. Thus far, they have worked approximately 2100 hours of overtime on this investigation.
- These investigators, along with some of my staff, have and will continue to work closely with the Harris County District Attorney's Office, the City Prosecutor's Office and the city's Legal Department, to ensure that all aspects of this matter are thoroughly investigated, reviewed, and resolved to the best of our ability.
- At this time, attempts have been made to contact all 301 persons arrested during the August 16<sup>th</sup> and 17<sup>th</sup> operations. At the news conference, I had indicated that 302 persons were arrested, but I have since been informed that one person was double counted.

Written Statements from Police Officers	89	
Citizen Contacts	211	
Total Contacts		300
Unable to Contact (Response to Phone Messages, Certified and Regular U. S. Mailings)		

POLICE AUTHORIZED	CITIZEN AUTHORIZED	TOTAL
31	63	94

\*Total of 19 Wrecker Companies

RECOMMENDATIONS MADE TO THE CITY PROSECUTOR

- Based upon the information that was presented to me prior to September 10, 2002, I made two recommendations to the City Prosecutor's Office concerning the disposition of the Class C misdemeanor charges filed on the nights of August 16-17, 2002. Specifically:

1. All charges for the offense of Attempt to Trespass by Remaining be dismissed due to a lack of legal sufficiency to prove the charges.
  2. All charges for the "status" violation of the city's Curfew ordinance be dismissed in the interests of justice, public trust and public confidence.
- I made those recommendations on the basis of at least two significant pieces of information gleaned from our investigation:
    1. We have not been able to confirm that notice and opportunity to depart the location was given and
    2. There is some question as to who was a customer and who was not a customer at the locations in question.
  - All Class C charges filed as a result of this operation are in the process of being dismissed. This mailer is being handled by the City Prosecutor's Office.
  - There are obvious legal implications associated with the dismissal of these charges that must be handled by the city's Legal Department, and I hope that all of these can be addressed in a way that is fair to everyone.
  - No doubt there will be other questions concerning what happened during this operation. Unfortunately, because of the criminal aspect of this investigation, I am not at liberty to divulge very much information regarding these events at this time.

#### WHAT WILL HAPPEN NEXT REGARDING THIS INVESTIGATION?

- Three weeks ago, Council was advised that this investigation would be tentatively completed by the end of October.
- Due to the complexity, and sheer magnitude of this investigation, as well as the necessity to work with the Harris County District Attorney's Office, that deadline cannot be met.
- The reason for this is directly related to the type and amount of work remaining with this investigation. Specifically:
  1. We must complete the questioning of all non-supervisory and supervisory personnel involved in or possessing information about their role in this operation.
  2. The District Attorney's Office has informed us of their intent to present this case to a Grand Jury, and we have no control as to when this will occur.
- Since our investigation is being coordinated with the District Attorney's Office, and they have requested that we defer portions of our investigation so as not to interfere or do anything that would prejudice their case, we will comply with this request as long as it is practical to do so.
- Upon completion of our investigation, the facts will be reviewed by the department's Administrative Disciplinary Committee and the Citizens' Review Committee, before being forwarded to the Chief of Police for final considerations regarding any disciplinary matters.

#### IN CLOSING, LET ME OFFER SEVERAL COMMENTS:

- We are doing everything we can to investigate this incident in an efficient, effective, and objective manner.
- We will finish this work as soon as humanly possible; however, this investigation must be complete, thorough and accurate. Therefore, I will not set any arbitrary time frame for its completion or do anything to compromise the integrity of our efforts.
- Although the sheer scope of this investigation is unprecedented in the history of our department, it will not curtail us from providing an accurate accounting of what happened during the events in question.
- I fully realize and accept the responsibility that citizens and this City Council are demanding some answers and explanations for what happened on Westheimer on August 16-17, 2002. Be assured we will provide those answers and explanations, no matter how painful they may be, as soon as possible without compromising the District Attorney's criminal investigation.
- Until this investigation is completed, I have taken immediate steps to ensure that the events of August 16-17, 2002, are not repeated.

#### WHAT DOES THIS MEAN FOR OUR DEPARTMENT?

1. First, multi-divisional operations such as the ones that took place on Westheimer will not take place without a proper review and written approval of the Chief of Police.
2. Second, all future operations of this magnitude will be monitored as they are executed, and reviewed in a timely manner to ensure proper accountability has been maintained.

#### WHAT DOES THAT MEAN FOR OUR CITIZENS?

1. First and foremost, our officers will continue to respond to calls for service and address crime and disorder in our neighborhoods. They will do so in the effective and efficient manner as they have been doing for many years.
  2. Second, officers will also continue to respond to the vast array of community concerns that have been brought to their attention on a daily basis.
- Despite our occasional "ups and downs," let us not lose sight of the fact that this is a very good police department.
  - I want to say publicly that the men and women of the Houston Police Department work very hard to provide excellent services to all Houstonians, and almost without exception, they provide these services in an outstanding manner.
  - However, every single member of the department knows that as an organization, we must demonstrate that we can and will do a better job of handling large scale, multi-divisional operations that are completely void of the controversy that surfaced from the Westheimer incidents.
  - Mayor Brown... that concludes my comments for this morning."

Assistant Chief Oettiemier was questioned at length by Members of Council and an audio tape is available in the office of the City Secretary for review.

At 9:55 a.m. Mayor Brown stated they would move to the Consent Agenda.

Council Member Robinson moved to suspend the rules to consider Item Numbers 1, 14-1, 26, 32 and 33 out of order, seconded by Council Member Keller. All voting aye. Nays none.

Council Member Parker absent. MOTION 2002-1072 ADOPTED.

1. REQUEST from Mayor for confirmation of the reappointment of the following to the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for terms to expire August 31, 2004:
  - Position One - **MR. HOWARD MIDDLETON**
  - Position Two - **MS. TAMMY TRAN**
  - Position Three - **MR. JAMES R. JARD**

- was presented, moved by Council Member Quan, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-01073 ADOPTED.

Council Member Robinson stated that on Item No. 1 he was in support, and would like for them to continue to dialog with the Sports Authority about them coming up with some comprehensive plan that dealt with youths sports, developing little league fields, football fields and the like, to expand what they were able to do to help build other kind of venues besides big sports venues now that they completed the big three, as he liked to call them, and Mayor Brown stated that they would ask them to consider those issues.

Council Member Keller stated that along those same lines, this was not an endorsement for or against, they would evaluate it, but there had been serious discussion as to whether the authority should be continued and he would reiterate what Council Member Robinson said that would be one thing that would way heavily in his support of a continuation, a long term investment in the community at the roots level, which was their youth and he could see them administering that and fostering that better than any other governmental body so that would be a good reason and would hope that they would focus on that as well.

- 14-1. ORDINANCE approving and authorizing an Urban Redevelopment Interlocal Agreement between the City of Houston, **THE LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY, HOUSTON INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HOUSTON COMMUNITY COLLEGE SYSTEM, PORT OF HOUSTON AUTHORITY, HARRIS COUNTY DEPARTMENT OF EDUCATION AND THE HARRIS COUNTY HOSPITAL DISTRICT** to promote the development of certain tax-delinquent properties; authorizing Articles of Amendment and new bylaws for the Land Assemblage Redevelopment Authority; containing findings and other provisions relating to the subject - was presented.

Council Member Quan stated that he wanted to point out that he knew it had come up fairly quickly and they had been talking about LARA for quite a while, that it was on their agenda tomorrow for the Housing Initiatives Committee, a more detailed report, but because of time limits regarding getting it approved that was why it was on that agenda before it had gone before the committee in more detail, that he just wanted to clarify that to other Council Members.

Council Member Robinson stated that he understood that Council Member Galloway had an amendment and this was the first time he had an opportunity to see it and he had some discussions with the department on the item and it had not been brought up so he would like to tag the amendment and the main item so that he could hear from some folks as they go on and he may be willing to lift his tag during the course of the meeting if he could get some clarification.

Mayor Brown stated that both the main item and Council Member Galloway's written amendment had been tagged and Council Members Parker and Sekula-Gibbs added their tags.

Council Member Galloway stated that on the amendment to Item No. 14-1 they did increase from the original for the Houston Community College and one more position with the Houston Independent School District so they could be in a better position to negotiate to get this thing



finally passed, so they thought it would be in the best interest of the Land Assemblage Redevelopment Board.

Council Member Galloway presented the following amendment to Item No. 14-1:

Amend the Interlocal Agreement, Articles of Incorporation and by-laws to add two board members to the current nine. One position would go to H.I.S.D., who currently has one position and the other would go to the Houston Community College, who has no representation. This will help secure their support for this effort.

Mayor Brown stated that Council Member Galloway introduced her amendment, which had been tagged.

Council Member Alvarado stated that regarding Council Member Galloway statement, would that have an impact on the County's agreement to it, and Council Member Galloway stated that it should not have any impact on the County, that they were all taxing entities and they had a problem with the others as well, and Mr. Hall stated that what he thought they were asking was that the County would then have to go back and do it again, that was what they were suggesting and the answer was yes, that they had approved this agreement, that the County would have to do it again.

Mayor Brown stated that the item had been tagged and during the week they had they would work out all those issues and have all the right answers.

26. ORDINANCE appropriating \$3,800,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an amendment to professional services contract (approved by Ord. 01-0259) between the City of Houston and **RATNALA & BAHL, INC** for Hydraulic Modeling and Infiltration/Inflow Correction Services, CIP R-0543-02-2; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2002-0866 ADOPTED.
  
32. 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 – **(This was Item 15 on Agenda of September 11, 2002, TAGGED BY COUNCIL MEMBERS ROBINSON and EDWARDS)** - was presented.

Council Member Alvarado stated that she had a chance to view a memo that was sent to the City Attorney from Ms. Jo Wigginton and just had some questions and wanted some clarification, that there was a statement in there regarding the City's liability and possibly having to be responsible for a loan and that money would come out of the CDBG money and if Mr. Hall would just clarify what the memo stated, and Mr. Hall stated that they were asked by several Council Members and the administration to review the issue when it was brought up, the default on the previous contract that the EPIC Special Events, Inc. had with the City and the assignment of the revenues from the City under that contract to repayment of a loan they had made with HSBDC which was a small business revolving loan fund from the center, that the loan had not been repaid and by engaging the same activity with a new company they would have impaired their ability to collect that money without an assignment of these funds because they would no longer have and did no longer have a contract with the prior company, that was obviously a problem they had, the liability for the City though was that if that money was not repaid it obviously would reduce the pool of the revolving loan fund money that was available for them to use to help other businesses, essentially they would have given it away, and Council Member Alvarado asked if he could explain the date October 31, 2002, and asked if they meant 2001, and Mr. Hall stated yes, that was a mistake, it was 2001. Council Member Tatro absent.

Council Member Robinson stated that Mr. Hall used the word default and stated that he

thought he contract had been terminated in June because of low funding and asked if it was a termination or default, and Mr. Hall stated that it was a default, and that resulted in a termination.

Council Member Quan stated that his understanding was that the assets of EPIC were all assigned, as well as the liability, to the new entity and asked if that was correct, and Mr. Hall stated that he would ask Ms. Wigginton to explain, and Ms. Wigginton stated that they had no way of knowing that, that they checked the Secretary of State, the registration side, and both companies still existed so it was not as if it was sold to the new company and they took over, and Council Member Quan stated that he had also been advised that an understanding had been reached between the Small Business Administration Loan Center of the City with the new entity to insure that they would continue to receive payment, and Mr. Hall stated that as of late yesterday evening they knew nothing about that and understood that there had been some conversations that had taken place this morning but would remind Council that those conversations were binding on no one, it had no real value, the point was that as this point, as far as they knew, the new agreement would in no way obligate the new company to honor at all the debt that the prior company owed to the City or owned to the Small Business Revolving Loan Fund, that essentially the City funded, and Council Member Quan stated that he was absolutely right, that there was nothing in writing and they had no security, but it was his understanding that a tentative agreement had been reached that would protect the City, and Mr. Hall stated that it was not with the Legal Department, so that was why he could not speak to it, that he had been told by somebody this morning that there had been some discussions this morning about that but he did not know anything about it.

Council Member Ellis stated that he had kind of been involved in it in the past six months and when they stated default there was an agreement with the Chief of Staff and the Mayor that they would terminate the project and then the Parks Department said they were now in default and not they were going to terminate, because he was in the negotiations with Mr. Haines, Mr. Spellman and Mr. Borochoff during that time, and Mr. Hall stated that he would be well advised to let them speak for themselves, that they could tell them what they did, and Council Member Ellis stated that then they wanted to turn around and say it was a default, well it was not, there was an agreement that they would terminate the project at that time and he did not know what happened internally and he was not privy to all of that information, that he thought the easiest thing they could do at this time was to amend it, that he thought Council Member Vasquez had an amendment that he thought would collateralize the position for the SBA and they could move on down the road, and Mr. Hall stated that it was important that they did have in the file a letter from the Director of the Parks Department saying the contract would be terminated for non performance, but that was what officially was in the file, that he did not know what conversations took place, but that was what in the file, and Council Member Ellis stated that was because at that time they could officially state that, but then there was an agreement that they would no longer move forward with the program and that it would be terminated, there were some other conditions that were put into place that did not fall into place and did not know if they were in writing but there were some discussions between the four of them and there were certain grants and certain loans that were going to be put into place and so forth, and Mr. Hall stated that was his caution to Council as their lawyer, they could not enforce any agreement like that, that was not reduced to writing that parties could clearly understand, and Council Member Ellis stated that he understood that and they probably should have had a paper trail, that he also did not think or was not sure that it was the responsibility of the Council to collateralize for the SBA, he did not believe that was the case, but to make the Council feel more comfortable, and Mr. Hall stated that it was not the SBA, that it was the HSBDC, and Council Member Ellis stated that they should collateralize it and yielded his time to Council Member Vasquez.

Council Member Vasquez stated that he had passed out an amendment to Agenda Item No. 32 and read the following amendment for the record:

"It shall be a condition of the subject contract between the City of Houston and Educational Productions in the Community, L.P., that Educational Productions in the Community, L.P. shall

execute within 30 days a collateral assignment agreement with Houston Small Business Development Corporation (HSBDC) in an appropriate amount to secure the loan extended to Epic Special Events, Inc. by HSBDC.”

Council Member Vasquez stated that he believed it would answer any questions.

Council Member Edwards stated that the conversations that she had with the operators of Fun Day led her down a different path and she had a real high level of discomfort with what she was hearing and moved to postpone Item No. 32 and Council Member Vasquez’s amendment for one week, seconded by Council Member Robinson.

Mr. Hall stated that he assumed from the amendment that Council Member Vasquez meant “after collateral assignment agreement for the proceeds of this contract”, and Council Member Vasquez stated that was correct, and Mr. Hall stated that they needed to put that in there so that it was clear what they were talking about, and Council Member Vasquez stated that would be fine, and Mr. Hall stated that was part of the delayed amendment.

A vote was called on Council Member Edwards motion to delay Item No. 32 and the proposed amendment for one week. All voting aye. Nays none. MOTION 2002-1074 ADOPTED.

33. 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 36 on Agenda of September 11, 2002, POSTPONED BY MOTION #2002-1067)** – was presented. All voting aye. Nays none. ORDINANCE 2002-0867 ADOPTED.

### **CONSENT AGENDA NUMBERS 1 through 31**

#### **MISCELLANEOUS** – NUMBER 2

2. RECOMMENDATION from Director Department of Planning & Development for the designation of the following residential parking permit areas and related parking regulations in the University Place Super Neighborhood: 1900 block of Dunstan, 2100 block of Addison, 2000 block of Goldsmith, 2200 block of Macarthur, 2000-2100 block of Macarthur, 5300 block of Ashby **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1075 ADOPTED.

#### **ACCEPT WORK** - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,354,699.89 and acceptance of work contract with **R. K. WHEATON, INC** for Construction of Waterline Replacement in the Denver Harbor Subdivision, GFS S-0035-45-3 (10545) - 01.00% over the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1076 ADOPTED.

#### **PROPERTY** - NUMBER 5

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Sara E. Hunt and Don L. Hunt, for abandonment and sale of Montana, from Spencer Street to Interstate Highway 10, and Herd, from Montana to its dead-end, in exchange for the conveyance to the City of

right of way for the widening of Spencer Street and for a cul-de-sac at the terminus of Spencer Street, all located within the John Sessums 14-acre tract, John Austin Two League Grant, Parcels SY2-073, SY2-075, AY2-175 and AY2-177 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1077 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 and 9

8. **ESCALANTE CONSTRUCTION, INC** for Installation of Flushing Units for the Department of Public Works & Engineering - \$38,750.00 and contingencies for a total amount not to exceed \$40,687.50 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1078 ADOPTED.
9. **CONTINENTAL BATTERY COMPANY** for Automotive Batteries for Various Departments \$1,495,661.25 - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1079 ADOPTED.

**ORDINANCES** - NUMBERS 11 through 31

11. ORDINANCE establishing the south side of the 500 block of Bayland Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0868 ADOPTED.
13. ORDINANCE establishing the west side of the 3000 and 3100 blocks of Norhill Boulevard within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0869 ADOPTED.
16. ORDINANCE approving and authorizing the Mayor to accept grant assistance from the **UNITED STATES FEDERAL AVIATION ADMINISTRATION** for Projects 522, 544, 549 and 566 at the City's Airports; declaring the City's eligibility for such grants - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0870 ADOPTED.
20. ORDINANCE approving and authorizing sponsorship agreement between the City and **BROAD OAKS AREA CIVIC ASSOCIATION** for Garbage Collection Service for the respective civic association - 10 Months - \$4,500.00 - General Fund - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0871 ADOPTED.
24. ORDINANCE appropriating \$9,460,000.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund, CIP A-0393 and \$6,779,598.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund, CIP A-397, awarding construction contract to **CHAMPAGNE-WEBBER INC., TEXAS** for construction of the Terminal B & C North Ramp Expansion at George Bush Intercontinental Airport/Houston (Project 555); providing funding for engineering testing - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0872 ADOPTED.

25. ORDINANCE appropriating \$5,000,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund and \$9,500,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 3 to contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Professional Architectural and Engineering Services, (Project No. 417); CIP A-0141 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0873 ADOPTED.
27. ORDINANCE awarding construction contract to **SER CONSTRUCTION PARTNERS, LTD** for Water, Wastewater and Drainage Facilities to serve Victoria Park, Section One; approving and authorizing an assignment of the construction contract to **KB HOME LONE STAR, L.P.**, CIP S-0800-62-3 and R-0800-62-3 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0874 ADOPTED.
29. ORDINANCE appropriating \$1,813,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Ranger and Brookline Subdivisions, GFS S-0035-73-3 (WA10590); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS H - VASQUEZ and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0875 ADOPTED.
31. ORDINANCE appropriating \$100,000.00 out of Planning and Development Projects Fund 12M for the Neighborhood Matching Grants Program – was presented. All voting aye. Nays none. Council Member Robinson absent. ORDINANCE 2002-0876 ADOPTED.

## **CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

### **MISCELLANEOUS**

3. RECOMMENDATION from Director Department of Public Works & Engineering for payment of FY 2003 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$203,970.00 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1080 ADOPTED.

### **PROPERTY**

6. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KY1-122, located at 11320 FM 529, owned by West Village Industrial Park, a Texas general partnership, J. Wayne Robinson and Johnie Schulte, Jr., General Partners, for **SPENCER ROAD WATERLINE PROJECT from Brittmoore to Jersey Village Pump Station**, CIP S-0900-71-2 - \$48,957.00 - Water & Sewer Consolidated Construction Fund - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2002-1081 ADOPTED.

### **PURCHASING AND TABULATION OF BIDS**

7. **HOUSTON-GALVESTON AREA COUNCIL** to purchase Five Compact Sedans and Three Vans through the Interlocal Agreement for Cooperative Purchasing for Health and Human Services Department - \$173,977.00 - Grant Fund - was presented, moved by

Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Vasquez and Robinson absent. MOTION 2002-1082 ADOPTED.

## ORDINANCES

10. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of the Hadley Avenue Street right of way containing 9,906 square feet of land, more or less, Parcel IT2-001A and a 16-foot wide alley right of way, containing 2,250 square feet of land, more or less, Parcel IT2-001B, both parcels located in Block B, Holman's 10 acre Lot Number 4, Harris County, Texas; vacating and abandoning said tracts of land to the City of Houston, Fee Owner - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Member Goldberg. Council Members Vasquez and Robinson absent.
12. ORDINANCE establishing the south side of the 1300 block of Edwards Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0877 ADOPTED.
14. ORDINANCE establishing the north and south sides of the 800 block of Teetshorn Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0878 ADOPTED.
15. ORDINANCE approving and authorizing an agreement for Convention Services between the City of Houston and **220 VENTURE PARTNERS, L.P. AND BMC - THE BENCHMARK MANAGEMENT COMPANY** with Regard to the Main Street Hotel to be located 220 Main Street; including a limitation of funding in the amount of \$1,744,365.00; containing various findings and other provisions related to the subject - **DISTRICT I - ALVARADO** – was presented. Council Member Tatro voting no, balance voting aye. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0879 ADOPTED.
17. ORDINANCE amending Ordinance Numbers 97-1131, 97-1132, 97-1133, 97-1175, 97-1629, 98-0064, 98-0618, 99-0009, 99-0171, 00-1087, 01-0403 and 01-1084 to increase the maximum contract amounts; approving and authorizing amendments to contracts between the City and **NEIGHBORHOOD CENTERS, INC-Area 1, YWCA OF HOUSTON-Area 2, YWCA OF HOUSTON-Area 3, NEIGHBORHOOD CENTERS, INC-Area 4, YWCA OF HOUSTON-Area 5, JEWISH COMMUNITY CENTER-Area 6, YWCA OF HOUSTON-Area 7, INTERFAITH MINISTRIES FOR GREATER HOUSTON-Area 8, INTERFAITH MINISTRIES FOR GREATER HOUSTON-Area 9, CITY OF JACINTO CITY, CITY OF LAPORTE, CITY OF PASADENA, CITY OF SOUTH HOUSTON, FIRST PRESBYTERIAN CHURCH OF GOOSE CREEK, DENVER HARBOR SENIOR CITIZENS, INC, JULIA C. HESTER HOUSE, INDOCHINESE CULTURE CENTER, PILGRIM COMMUNITY CENTER, WESLEY COMMUNITY CENTER, INC, WHEELER AVENUE BAPTIST CHURCH, ALZHEIMER'S ASSOCIATION, GULF COAST COMMUNITY SERVICES, LONE STAR LEGAL AID (formerly GULF COAST LEGAL FOUNDATION), INTERFAITH CAREPARTNERS (formerly FOUNDATION FOR INTERFAITH AND MINISTRY), PERRYLEE HOME HEALTH, SHELTERING ARMS, SOUTHEAST LEGAL CLINIC, SPECTERA DENTAL, INC, TIRR FOUNDATION, HEIGHTS AUDIOLOGY & HEARING AIDS and the UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON for various services to the elderly - \$2,920,524.00 Grant Fund – was presented. All voting aye. Nays none. Council Members Vasquez and**

Robinson absent. ORDINANCE 2002-0880 ADOPTED.

18. ORDINANCE approving and authorizing Waste Disposal Contract between the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 45** – was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0881 ADOPTED.
19. ORDINANCE approving and authorizing Treated Water Supply Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5** – was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0882 ADOPTED.
21. ORDINANCE appropriating \$1,494,834.00 out of Fire Department Capital Projects Fund for the purpose of purchasing Emergency Alerting System Software and Hardware for the Fire Department; declaring intent to reimburse the Fire Department Capital Projects Fund from Commercial Paper Proceeds – was presented, and tagged by Council Members Tatro and Sekula-Gibbs. Council Members Vasquez and Robinson absent.

Council Member Sekula-Gibbs stated that she would like someone from the Fire Department to visit with her and to add her tag to the item. Council Members Vasquez and Robinson absent.

22. ORDINANCE appropriating \$407,439.54 out of Street & Bridge Consolidated Construction Fund and awarding contract to **STRIPES & STOPS COMPANY, INC** for Pavement Marking Services for the Public Works & Engineering Department - 1 year with 1 one-year option- **DISTRICTS D - EDWARDS; E - WISEMAN and I - ALVARADO** – was presented, and tagged by Council Members Keller and Wiseman. Council Members Vasquez and Robinson absent.

Council Member Keller stated that he would like a meeting to follow up on it, that he did receive a memo from Gary Ordat and one sentence in that memo that was used to explain some of the questions that he and his staff had on the item still brought to light why he had some problems with it, that it basically said that federal funds allocated for this project were used on other trail projects to offset the City's share, and that created a whole other reason to meet and a whole other problem, but that was one thing that he wanted to discuss in that meeting also, and Mayor Brown stated that they would have someone meet with him on that. Council Members Vasquez and Robinson absent.

23. ORDINANCE awarding contract to **ASTRO FENCE COMPANY** for Wood and Metal Fence Installation and Repair Services for Various Departments; providing a maximum contract amount 3 Years with two one-year options - \$4,314,818.00 - General, Enterprise, Fleet Management and Fire Department Revolving Funds – was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0883 ADOPTED.
28. ORDINANCE appropriating \$167,860.14 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** – was presented. All voting aye. Nays none. Council Members Vasquez and Robinson absent. ORDINANCE 2002-0884 ADOPTED.
30. ORDINANCE appropriating \$3,144,454.09 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **KINSEL INDUSTRIES, INC** for

Sanitary Sewer Rehabilitation by sliplining and pipe bursting methods, GFS R-0266-S6-3 (WW4257-38) providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Wiseman. Council Members Vasquez and Robinson absent.

### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Tatro presented a handout to each Council Member regarding the Hobby Airport Food Concession Contract and reviewed the scoring methodology and the scores and the recommendation to award to CA One. Council Member Berry absent.

Council Member Robinson stated that he wanted to thank Metro President Shirley DeLibrio for arranging a tour of their Fallbrook Driver Training Facility for the TTI Committee, that they went out yesterday and toured the facility, the simulators that the drivers used, that the tour was arranged after he and President DeLibrio exchanged letters about some of the issues that were raised relative to a couple of bus accidents that had occurred in the last several months. Council Member Berry absent.

Council Member Vasquez stated that he would like to request from Mr. Haines an update on the drainage fee and would like a meeting to see where it was and the discussions on it. Council Member Berry absent.

Council Member Vasquez stated that in addition several meetings ago he had requested that the administration work with the County mosquito spraying board and would like to get an update on where they were on that in terms of working with them. Council Member Berry absent.

Council Member Vasquez stated that he would like to bring to everyone's attention that this Saturday would be the Fiestas Patrias Parade, downtown, starting at 10:00 a.m., rain or shine, and he would encourage everyone to attend, that it was a good way to celebrate the diversity of the City and to celebrate Hispanic culture. Council Member Berry absent.

Council Member Quan stated that this Friday they would be dedicating the Municipal Channel's new headquarters at the Houston Community College and would invite people to attend, that Linda Ellerbe would be the key note speaker and it was at 5:30 p.m. Council Member Galloway and Berry absent.

Council Member Quan stated that tomorrow they would be having their Housing Initiatives Committee meeting in the Council Chambers at 10:00 am., they would be discussing several items, including the Land Assemblage Program as well as the use of the HOPWA funds and thought it would be a very interesting committee meeting. Council Members Galloway and Berry absent.

Council Member Quan stated that today at 12:00 p.m. he would be hosting a lunch for a trade mission from the Philippines and would like to invite each Council Member and the Mayor to attend, they would be at the Visitors Center downstairs. Council Members Galloway and Berry absent.

Council Member Quan stated that he would be attending the Fiestas Patrias Parade. Council Members Galloway and Berry absent.

Council Member Sekula-Gibbs stated that she would like to continue on the subject that Council Member Tatro had elucidated, she had asked Mr. Vacar for documentation of CA One's previous finances in terms of money generated at Intercontinental Airport, since they had the contract there and also a customer survey analysis because they were generating many points



on experience. Council Member Galloway absent.

Council Member Sekula-Gibbs stated that she wanted to invite everybody to learn CPR, that this Saturday would be mass training at Rice University, the Autry Court, for \$20.00 they would be taught basic CPR and Automated External Defibrillator Management, that this would save their colleagues or family's life. Council Member Galloway absent.

Council Member Parker stated that she agreed that under the original rules as set out 4 Families won in terms of scoring and in terms of the originally agreed process, that did not necessarily mean that 4 Families was the best choice, Council always had discretion and they had the ability to make their own decisions, that she wanted to follow Council Member Sekula-Gibbs request for information on the performance of CA One and wanted to add something to that request and that was also whether they had met, at Hobby and Intercontinental, any performance goals in terms of capital investment, when it was supposed to be invested and had it been invested and sales goals that may have been committed originally. Council Member Galloway absent.

Council Member Parker stated that she would like to offer her condolences and those of Council to State Senator John Whitmire on the loss of his mother, Ms. Ruth Marie Harris Whitmire Bennett. Council Member Galloway absent.

Council Member Vasquez stated that he knew Council Member Parker had requested all of that information and they may as well add Hudson to that as well. Council Member Galloway absent.

Council Member Alvarado stated that as most of them knew there was a triple fatality in her district over the weekend and it occurred at the intersection of 71<sup>st</sup> and Harrisburg and she wanted to thank her colleagues who had expressed on interest in trying to help with the family, the family was faced with the dilemma aside from mourning the loss of three family members, the father and two children, they were trying to raise money to pay for the funeral expenses, which were estimated at about \$15,000, that yesterday they announced the creation of the Ortiz Memorial Fund that she wanted to give out the information and had some handouts if they were interested in contributing, that it was in care of Laredo National Bank at 7047 Harrisburg, the Ortiz Memorial Fund, that as to the intersection, she received some information from Dr. Levine, with HGAG, who presented information that said that the intersection was one of the most dangerous in the City, that she was disappointed that they had information from 1999 and for some reason they did not have the most updated information about these dangerous intersections, that all she had to go on was that in 1999 there were six crashes at that particular location.

Council Member Robinson asked if they could make a request that they get some updated statistics and if they were amenable to hold a hearing to update Council Member Alvarado and all of those on the TTI Committee, and Mayor Brown stated that they could do that, and Council Member Alvarado stated that she had sent Mayor Brown a memo and hoped that they could quickly try to resolve the problems at that intersection. Council Members Tatro, Galloway and Vasquez absent.

Council Member Alvarado stated that they had recently kicked off Hispanic Heritage Month and while they look at a lot of the achievements that the Hispanic Community had made and they felt that they had come so far she was disappointed to see the story in yesterday's paper regarding the cab driver with Liberty Cab who had a sign in his cab that said English only and there was a gentleman who was attending a business conference who was picked up at Intercontinental Airport and going to the Adams Mark Hotel for a business conference and who happened to get two phone calls while he was in the cab and he was speaking Spanish and the cab driver pulled over and forced him out of the car, that it disappointed her that this person would now leave their City with a negative impression. Council Members Galloway and

Vasquez absent.

Council Member Alvarado stated that she wanted to thank Fox 26, that on September 11, 2002, they had an hour long episode that was broadcast in Spanish regarding thoughts about what happened on September 11, 2001 in the Hispanic Community and she wanted to thank Channel 26 for taking that opportunity and doing that. Council Members Galloway and Vasquez absent.

Council Member Goldberg stated that he wanted to send a hearty get well to Tom Bradshaw who was the photographer who was present on Tuesdays and did a lot of photography for the Mayor, that he had a double bypass surgery and hoped that he had a very quick recovery. Council Members Galloway and Vasquez absent.

Council Member Goldberg stated that there was a lot of City property that he got complaints where the grass needed mowing and he knew a lot of times Neighborhood Protection waited until there was a complaint and then they go out and take care of the complaint, that it seemed to him that they needed to form some sort of process where City property got mowed, that they should not have to rely on the citizens to say that the grass was too long and to come out and cut it, that there was a lot of City property that was being neglected. Council Members Galloway and Vasquez absent.

Council Member Goldberg stated that regarding the idea that the speed limits might be changed once again, he was told that the last time they changed the speed limits the cost was approximately \$1 million and now it was possible the speed limits would be changed again and he heard that it was possible this time that instead of changing the signs out, which was pretty labor intensive, that it was possible to just have stickers made and add the stickers and he would like to explore that possibility. Council Members Galloway and Vasquez absent.

Council Member Wiseman stated that to touch on the Hobby Airport Concession issue, she would like to request copies of all correspondence between Unisom and Houston Airport System, to include memorandums and all emails, and in addition she would like copies of all correspondence or anything that was provided in writing to the selection committee members. Council Members Galloway and Vasquez absent.

Council Member Wiseman stated that there was a situation they were facing in Clear Lake, that Pasadena, upon completion of their purchase of some property, be constructing a fire station, which would be located on Middlebrook, which connected with Clear Lake City Boulevard, it was a sharp turn at that location and residents in the area had expressed concerns about the safety of the people traveling on those roads and of course the firefighters that would be using that road once the facility was complete and she would ask the Mayor that someone from the administration and a representative from Public Works visit with her on that issue, and Mayor Brown stated they would do that. Council Members Galloway and Vasquez absent.

Council Member Parker stated that a City employee was murdered this week, that they may have noticed a story of a robber fleeing a video store and he engaged in a home invasion and stole a vehicle and City employee Ronald Bridges was murdered in his home over the weekend and asked for a moment of silence for his family. Council Members Galloway and Vasquez 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 Tatro. All voting aye. Nays none. Council Members Galloway and Vasquez absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary