

City Council Chamber, City Hall, Tuesday, September 24, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 24, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D. and Michael Berry; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Carroll Robinson absent on city business.

At 2:08 Mayor Pro Tem Quan stated that the first presentation on the list was by Council Member Parker to recipients of their Neighborhood Matching Grants Program. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado and Sekula-Gibbs absent. Mayor Pro Tem Quan presiding. NO QUORUM PRESENT

Council Member Parker stated that it was her honor to be involved in the presentation of the Neighborhood Matching Grants Program recipients, that the Chamber was packed with folks and they had several important presentations today, but thought that majority were present for the Neighborhood Matching Grants Program, that it marked the seventh round of awards for the program and they had 19 community organizations that would receive awards totaling more than \$88,000, the communities would match those dollars with more than \$105,000 of their own funds, so they were leveraging the City dollars that they put into the matching grants, that the program funded grants up to \$5,000 for community revitalization projects such as esplanade enhancements, landscape beautification, park improvements, community gardens and other related activities, that she knew that the district Council Members were very involved in a lot of those efforts and monitored them and had been very supportive, when the grant applications come to the City the projects were judged on how much they improved the community, how they involved the residents of the community, whether they could be completed in a timely manner and whether the organization had all the necessary permissions from property owners and government agencies in order to proceed, that they wanted today to salute these communities and their efforts and their commitment to the City, that she would read the name of the grant recipient, the neighborhood project and the representative and invited the representatives to the podium and Mr. Litke, Planning and Development would be presenting the certificates that went with the real money. Council Members Tatro and Sekula-Gibbs absent.

Mayor Brown invited Mr. Bill Liticum and Ms. Robin Blut from Keep Houston Beautiful and Mr. Mickey Driver from Chevron Texaco and Mr. Buck Buchanan, Director, Solid Waste Management, to join him at the podium and stated that there were a lot of good things that happened in the City and they all happened because they had people who devoted their time, talent and efforts to accomplish that objective, that he was very pleased to say that Houston was a cleaner City now because of those who had done just as he had stated, that Keep Houston Beautiful was one of 8 recipients of the 48th Annual Chevron Texaco Conservation Awards, that since it began in 1977, Keep Houston Beautiful had conducted an amazing 2,600 cleanups involving 121,000 volunteers to pickup 13,000 tons of liter, that the acclaimed Keep Houston Beautiful Program called Keep Five Alive was created with revitalizing the City's Fifth Ward, they were proud that Keep Houston Beautiful would be honored by Chevron Texaco at an awards ceremony on Thursday, September 26, 2002, and on behalf of all the residents presented a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston hereby proclaimed, September 24, 2002 as Keep Houston Beautiful Day in Houston, Texas. Council Members Tatro, Goldberg, Wiseman, Ellis and Sekula-Gibbs absent.

Mr. Driver stated that on behalf of Chevron Texaco and their 4,800 employees in Houston would like to congratulate Keep Houston Beautiful and Robin Blut the Executive Director for winning one of the 8th National 2002 Chevron Texaco Conservation Awards, that the work of Keep Houston Beautiful and Mayor Brown in doing things in the community to protect the environment and to conserve the national resources, was something that they were very proud to recognize, that their partnership was certainly one that was to be mentored, they hoped, by

many organizations across the Country, that kind of partnership was the kind of partnership that Chevron Texaco believed in and tried to recognize through their Annual Conservation Awards Program. Council Members Tatro, Goldberg, Ellis, Alvarado and Sekula-Gibbs absent.

Ms. Blut stated that no one succeeds without the support and encouragement of others, that the prestigious National Conversation Award not only recognized the efforts of Keep Houston Beautiful, to help make Houston a clean, livable City, it acknowledges the significant contributions of their many donors, volunteers and government agencies that had played such a big part in making all of this happen, that last year more than 13,000 volunteers got up early on a Saturday morning to pick up liter, plant trees or paint over graffiti tagged walls at more than 250 locations citywide, that was an average of 5 neighborhood projects per weekend, that making Houston the cleanest City in America was the bond and common goal shared by the volunteers of Keep Houston Beautiful, and it was her great pleasure to accept the Chevron Texaco Conservation Award on behalf of all of the citizens of Houston. Council Members Tatro, Goldberg and Sekula-Gibbs absent.

Mayor Brown stated that it was something that they all could be very proud of because they were a cleaner City, that as they knew part of his initiatives to make their City a better City was their Clean Neighborhood Program and this was accomplishing that objective. Council Members Tatro and Goldberg absent.

Council Member Edwards stated that their City employees were doing their bit to put Houston ahead of Dallas on the national map by the work they did in the City, that it was a great opportunity for her to be a part of the presentation of the Bravo Awards, the first awards being given in the series, that the Bravo Awards were in keeping with Mayor Brown's guiding principal of continuous management improvement, that the Bravo Awards recognized those employees who gave extraordinary service to the City and the community, employees who also volunteered and helped their communities without compensation, that they had three employees who would receive the award today and invited Sergeant Robert Decker, HPD, Ms. Alvita McKinney, Affirmative Action and Mr. William Dub McWhorter, Building Services to receive their Bravo Awards.

Council Member Quan stated that as a point of personal privilege he would like to recognize the Consular Forum of Houston, that the Consular Forum of Houston was a project of the Junior Chamber of Commerce and the project worked to promote a better understanding of international cultures, that this was their 51st year and they would be celebrating the Republic of Peru, that as part of the cultural exchange they had with them this afternoon the Consul General of the Republic of Peru in Houston, Consul General Eduardo Rivalde, who would like to make a presentation to the Houston Public Library. Council Member Tatro absent.

Consul Rivalde stated that today the General Consulate of Peru in Houston made a consistent and valuable presentation for a stronger cultural relation with the City of Houston, the public libraries and schools, that as part of the Consulate Forum Educational and Cultural Event, it was an honor for him to donate some CD Roms with interactive information about the cultural heritage of his country, and one of the most important of South America, that he would be very pleased if the City of Houston could display the colorful and interesting information in the public libraries of the City and provide the opportunity to the students and public to learn more about his country. Council Members Tatro and Edwards absent.

At 2:29 Mayor Brown called to order the meeting of the City Council and Council Member Berry invited Pastor Tracy Phillips, New Hope Baptist Church in Houston's Historic First Ward on Crockett, to lead everyone in prayer and Council Member Berry led everyone in the pledge of allegiance. Council Members Tatro and Edwards absent.

Mayor Brown requested the City Secretary to call the roll. Council Member Robinson absent on city business. Council Members Tatro and Edwards absent.

Council Members Keller and Quan moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Robinson absent on city business. Council Members Tatro and Edwards absent.

Council Member Parker moved to suspend the rules to hear Minister Robert Muhammad and Mr. Otis Jordon out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent on city business. Council Members Tatro and Edwards absent. MOTION 2002-1083 ADOPTED.

Ms. Clare Nonmacher, 7706 Meadow View, Houston, Texas 77076 (281-999-2112) had reserved time to speak, but was not present when her name was called. Council Members Tatro and Edwards absent.

Minister Robert Muhammad, 4443 Old Spanish Trail, Houston, Texas 77021 (713-741-2747) appeared and stated that he was present to talk about government, media and non profits and the politics of personal destruction, that they all knew that he had been working with Carol and Herb Porter of Kid Care for the last three to four weeks, that he wanted to thank Ms. Bingham of the Housing and Community Development Department for following the rules and regulations, that sometimes when people follow the rules and regulations they should be rewarded and applauded, for the media was inquiring into a \$300,000 Matching Grant that the City of Houston gave to renovate a building at 205 West Crosstimbers that was occupied by Kid Care, that it was a beautiful building and there would be a community open house on Saturday, October 5, 2002, from 9:00 a.m. to 3:00 p.m. so that all the taxpayers could come and see what their tax money had done for the worthy program, that it was being alleged or suggested that the City gave the money without their being matching funds, and because it was personal bank account information it could not be released by the City and so he wanted to applaud them for not releasing it, but Ms. Porter had allowed him to take the information and make it available to anyone, and it showed in fact that they had \$342,961.01 on deposit, therefore, there were matching funds and they spent that money, therefore, the matching funds from the City should kick in, so he wanted to thank the City for following the rules; that second of all he wanted to talk about bad government and not clearing up things, that it was reported in the media that Kid Care paid Herb and Carol Porter's personal taxes, when the truth of the matter was that Herb Porter paid his own personal taxes on January 2, 2002 and their former bookkeeper or business manager inadvertently paid the taxes again when all of the five properties were lumped together, but it was left to suggest that Kid Care money paid for their personal taxes, however, on the website of the County Assessor's office it was showing a credit for \$1,081.26, in other words the taxes were paid twice, but it was never told to them, that the reason why he brought it to City Council was simply that when they dealt with public information they should not use public information to deal in the politics of personal destruction, some of them had very friendly relationships with investigative reporters, including Mr. Dolcefino, and if there was somebody they did not like they had the tendency to drop public information out there and it lead to the politics of personal destruction, that public policy disagreements was fair game, they leaked to the press so they could get the one up, but when they use it in the politics of personal destruction it was not fair, they wanted the whole truth, and in Mr. Dolcefino's report what they had was lies by omission, that \$1,900.00 was charged to Kid Care's American Express Card, a reimbursement check was shown on television, but Mr. Dolcefino never told them that it was the former business manager and not Herb Porter Jr. or the third, but it was left to make people think, all over the City, including conservative talk radio saying that it was them, but it was not them, that a complete investigation was being done, an external audit had been asked for by Carol Porter and they had secured an external audit firm to come in, not connected with Kid Care, to go over all the books so they could perhaps restore public confidence in that great worthy program, that he was reserving judgment and was asking the City mothers and fathers to reserve judgment on Kid Care because Carol Porter's 18 years of hard work in the City and Herb Porter's 18 year of selfless sacrifice should not be thrown away, that none of them should be remembered for the worse thing, that they perhaps had done, and let them reserve judgment,

and lastly he closed by saying to all of them that some of them feared Wayne Dolcefino and the press like they should fear their constituents, but after they go visit with them and KTRK, they would come back and visit with any of the Council Member because it was not right, they should be responsive to their voters and not to any press person, he wanted them to stop fearing him like they should fear the voters who put them in office and the people who gave them money to sit in office, but he just asked them to reserve judgment until all of the facts were out and then he was with them, let the chips fall where they may, but not be involved in the politics of personal destruction, because it could be Carol Porter tomorrow and then the Council Members the next day and the next; that they praised Council Member Edwards in the Houston Press and it scared him to death, because the Houston Press made him nervous, that Mr. Keller said some good things about her, but they praise her tomorrow and they might be cutting throat tomorrow, that Council Member Sekula-Gibbs got it in the Houston Press, but tomorrow they may be her friend, that was what he was talking about, the politics of personal destruction, that the City was too big for it and too great for it and this was what they had to strive to, the greatest, highest, ethical standards, that he did not defend anything that may have been done wrong by the Porter's, but until he had absolute complete proof and the whole picture was seen, he was saying that he would stand on the side of their integrity and the hard work they had done over 18 years and when all the facts were in, then they would judge accordingly.

Upon questions by Council Members, Mr. Muhammed stated that Kid Care was still operating, they were down to three days a week in delivering meals on wheels, he believed they could carry them through the next 90 days, because that was what he believed it would take, the next 30 to 90 days, after the next three to four weeks they were going to try to get the audit report in, then they had to restore a semblance of cash flow for them and the sad thing about the investigation was that nobody had accused them of eating all the food, but the people who provide the food had stopped delivering the food to them, that there was one report where one food service network had been alleged that they told their driver to turn around because they were afraid that they were being filmed in front of Kid Care and it was reported that they threw away 2,300 sandwiches, because they had no one to give them to, rather than deliver it to Kid Care, that these were the kind of things that were not being told and not being represented in the media and that bothered him because they were good people and he thought they should get a fair shake, that they were going to do all they could and that was why they were trying to have the open house for the whole community and the Council Members to come and see for themselves and let the people judge for themselves, that he was not on the Board of Kid Care, his official position was freedom fighter and he was not on the board and not getting paid, that he had seen leadership attacked in the City over and over again, starting with the Mayor, the Congresswoman in the paper, and now he was watching them attack Ms. Porter and he did not see many people rising up and saying enough was enough, that he decided to step in and just say "hold your horses, enough is enough", that he was not their official spokesman, apologist, their lawyer or their minister, they were Christians, that he was just a person who went out on that van one day and fed children, the sight in his mind of those children running out of their houses, accepting the food and the gleam in those children's eyes, not Black or Hispanic children, but children of all races, that when they saw that they could not stand idly by and watch that kind of thing happening, that he wanted to get back to feeding children, get through all the drama and feed children; that as far as Houston having hungry children or in poverty, according to one report from Columbia University they were second only to Detroit in child hunger and what that meant for him in the fourth largest City, in the greatest State, in the greatest Country on earth, it was a travesty and a shame, that he would get the Council Members that information from the Columbia University study.

Council Member Edwards stated that regardless of the Kid Care issue, if that statistic was true she would like to ask the appropriate committee what it meant for them on the City Council if they were second in the Nation with hungry children and if they could look into that allegation and Mayor Brown stated that they would try to find that answer. Council Member Berry absent.

Mayor Brown stated that Minister Muhammad had mentioned that the City provided a grant to Kid Care, and Minister Muhammad stated that he was not familiar with all of the details, but it went to the housing and building their building and they had a magnificent facility that they had renovated, that it housed Kid Care and housed a kitchen and had many other amenities to it that would lend to that community and give strength to that community, not only in feeding but also in parenting programs, education and employment programs and dealing with some homeless issues to a small extent, and Mayor Brown stated that he did not expect Minister Muhammad to know the details but they did give a grant and the grant was for the building and Minister Muhammad could attest to the fact that they did build the building and Minister Muhammad stated that there was a building there and on October 5, 2002 from 9:00 a.m. to 3:00 p.m. he would invite every taxpayer to come out and see the fine work that had been done there. Council Member Berry absent.

Mr. Otis Jordon, 7663 S. Glen Willow, Missouri City, Texas 77489 (281-438-4124) appeared and stated that they were present with a no vote of confidence in the Fire Chief of the Houston Fire Department, that there was a problem with institutionalized racism, there was no honor, no integrity, no leadership, no justice, so they were present to say that they were taking a stand, Houston Black Fire Fighters, and they were asking Mayor Brown to look into their Fire Chief and see what the problems were, that they had problems at the Fire Training Academy, they had a young man who came last week and spoke before Council and Mayor Brown asked Chief Sims to look into the problem out there and he came back with a recommendation, that he thought, to save the young man's job and the Fire Chief fired him anyway, that they had another cadet that was on deck to be fired, that they had five more that were on deck to be fired because they changed the grading scale in the middle of the course, that enough was enough, that in 1995 he had an angioplasty because he had a heart attack, that on June 1, 2002, he had a five way bypass, so what he was trying to tell them was that this was real serious, he was putting his life on the line, that he had cardio vascular disease, the Fire Department had a disease, and the disease was racism, no justice, disparity and promotions, and was displaying a chart, that they were all about diversity, that they needed to take that out of the dictionary from the Council because it was pitiful, that they had one district chief in operations out of 106, that they had one senior captain out of 175, that he himself was a captain and they had 22 out of 400, that every time they came up for a promotion it was always something, the same old thing, and he knew they were tired of them coming down and the lady asked last week if they had any other recourse than to coming to Council, they had called, made phone calls and talked to people and they were tired, they were taking a stand and asking the Council and Mayor to please take a stand and if not they ask that they turn it over to their father, because that was the only somebody that probably could really help them.

Mayor Brown asked Mr. Jordon in his judgment what was the best way to reverse the numbers that he shared with them in terms of the disparity of minorities in the upper ranks of the Fire Department, and Mr. Jordon stated that would be to go to assessments and he knew that Mayor Brown had been working on it, but they did not have a contract and that was what they would negotiate to try to get assessments be brought into the department, but the Fire Chief over there talked about assessments when he was with a certain group of people, but he talked about something else when he was with another group, that he was passing the buck and straddling the fence and he would not lead the Fire Department, that they needed somebody with firm, strong leadership to come in and take charge of the Fire Department, and Mayor Brown asked if it was correct that the Union 341 was the bargaining union for the Fire Department including all of them as well, and Mr. Jordon stated that they did not sit at the table with Union 341, but it was the bargaining unit, and Mayor Brown asked if he knew if they supported assessment centers, and Mr. Jordon stated that no they did not, that they said they would wait until next year or whenever, that they did not want assessment centers, that why would they complain if they wanted to go to assessment centers, all of their people would be on the top, that even though some of the members belonged to both organizations, because it was a threat if they did not belong to both organizations, that he had just gotten out of 341 in June, that this was the first Fire Chief they had to get out of that organization, but everybody was in the union, the command staff, the fire chief,

the district chief and the deputy chief, so if he had a problem at the station who would he go to, that if he went to get on a district chief about unfair treatment and he was in the union, and then they were making deals behind closed doors, he was just wasting his money. Council Member Quan absent.

Council Member Galloway stated that she had some concerns about the review board, that it seemed like it was a policy made in house as to who would sit on the review board to review the cadets when they came up for a hearing on allegations, that she thought that a different system should be in place, that when Mayor Brown formed the panel last year to study some of the issues that were being stated at the academy, she knew they had several people of other races on the committee as well and some things did come out that they saw was a problem and it was resolved by Mayor Brown's administration, and she wanted to thank him for that, but she thought it went beyond that, that there had been some serious allegations going on in the Fire Department and it continued and that was the reason the firefighters were present, and she was wondering if Mr. Steve Williams was present because these were working conditions and working conditions were part of the union's tool for bargaining and it seemed like it may be sort of racial but the union was not supposed to be a racial organization, and Mr. Jordon stated that he did not think the Chief was present, but speaking about 341, it was not a union because they could not have management and labor in the same union and say that it was a union, and Council Member Galloway stated that it was different in the public than it was in the private sector, this was a Right to Work State so they did not have collective bargain rights because they were public, and stated that she wanted the Mayor to form some type of panel to really get in there and study the issues and come up with some resolution because the word on the street, and had been the word on the street for at least 15 years, of this going on in the Fire Department and these people put their lives on the line to save the citizens and they were getting mistreated. Council Member Quan absent.

Upon questions by Council Member Tatro, Mr. Jordon stated that they were tired of coming down to the Council, that they had studies, the Tri Data Study, and panel investigations and it was time for some changes, for something to be done. Council Member Quan absent.

Council Member Edwards stated that in her opinion this situation was almost parallel to the situation they had in the police force in the early 1980's when Mayor Brown was first Chief of Police Chief, the same types of allegations and struggles regarding disparity so she agreed that there needed to be something done, that Mr. Jordon had mentioned twice that some action needed to be done and asked Mr. Jordon to give her an example of one action that he and the brotherhood would like to see, and Mr. Jordon stated that they thought the Fire Chief needed to be replaced with somebody that was strong, a good leader, that just because they had a degree that did not make them great leaders. Council Members Keller and Quan absent.

Council Member Parker stated that Mr. Jordon had met with her privately on some of those issues as well, that she wanted to point out that there were twice as many Hispanic senior captains as there were Black senior captains, but that was going from 2 to 4 out of 175, so it was not just African Americans, it was minorities across the board that the Fire Department seemed to have a problem with and in 2002 that was a very sad statement for a City like Houston to make, that she had mentioned privately to Mayor Brown that she thought that the command staff should not be a member of the union, probably down to the level of district chief and she wanted to say that again publicly, that there needed to be a division between labor and management and wanted to support the Black firefighters in their statement there, that Mayor Brown knew from his police experience that at some point they had to step out of the labor role and go into the management role and make different kinds of decisions, that she also would like to see and was waiting for some sort of a written response on the situation of the cadet that was present last week, that she understood from what Mr. Jordon had stated that he was fired, and Mr. Jordon stated that the cadet was not going to be reinstated, that Chief Connealy said on the advise of the Fire Department attorney, that he would not be reinstated, even though the guy that

they turned the investigation over recommended that he not be terminated. Council Members Keller and Quan absent.

Upon questions by Council Member Alvarado, Mr. Jordon stated that the makeup of the review board for Charles Mathews was four Caucasians and one Black and the one Black happened to be the pastor, who was so upset when he returned from the review board he went straight to the Fire Chief and told him, that he was on the review board and there was a list of people and they had someone who called the people and called who they wanted to, they did not call certain individuals, and Council Member Alvarado stated that she would ask the administration to take a look at that, that she had never heard of such a process where they just called and saw who was available to sit on the review board, and Mayor Brown stated that they would take a look at it. Council Members Keller and Quan absent.

Mayor Brown stated that going back to assessment centers, if they introduced legislation at the State to accomplish that objective would his organization be supportive of it and help them get it passed, and Mr. Jordon stated yes. Council Members Keller, Parker and Quan absent.

Council Member Sekula-Gibbs stated that she would like to see the data go on down the line, that Mr. Jordon had shown the upper level people, but she would like to also see the entry level and also the women, that she would like to see how many women were being recruited and how many African Americans were being recruited and then what happened, and Mr. Jordon stated that there were very few women who went through the Fire Training Academy and one deal was the mile and a half run and to have 60 hours and the desire to be a firefighters. Council Members Tatro, Galloway, Keller, Parker and Quan absent.

Mayor Brown stated that they could do it, that they would be glad to provide that information for her. Council Members Tatro, Galloway, Keller, Parker and Quan absent.

Council Member Vasquez stated that he appreciated Mr. Jordon being present two weeks in a row and did agree with the way he had illustrated the problem graphically, that he thought it spoke for itself and was appalling for not only the Black firefighters, but the Hispanic and Asians as well and thought it clearly illustrated the problem within the Houston Fire Department, however he had to disagree with him that the solution was to fire Chief Connealy because situations like this did not happen in one year or less than one year and with one administration and one fire chief, that he thought they happened institutionally, as he mentioned earlier, and he thought they happened historically over time, that he thought they had to have a commitment from the Mayor's and Chief's office to begin to take action to solve these problems and did not think that firing the Chief was going to change it over night, that he would be happy to work with them to come up with other solutions that would work to solve the situation. Council Members Tatro, Galloway, Keller, Alvarado, Parker and Quan absent.

Upon questions by Council Member Berry, Mr. Jordon stated that possibly about two thirds of the Black firefighters were members of both unions, that to fix it overnight, if they could become a part of the bargaining agent, which they had to go to the State to be a part of it, that would be a big deal, but the other deal was out at the Fire Training Academy where people were coming in and they did not have any protection, that the Fire Training Academy needed to be cleaned out and gutted, that they had to desegregate the fire stations. Council Members Tatro, Galloway, Keller, Parker, Quan and Sekula-Gibbs absent.

After further discussion by Council Members, Mayor Brown stated that he wanted to thank them for being present and as they had heard there was a great deal of interest in what they were bringing to their attention, that one of the reasons that he created the City Council Committee on Public Safety was to help them work through those issues, that there were things that he was currently doing and combined with what the City Council committee, chaired by Council Member Edwards, could do they could bring some hope and light at the end of the tunnel

and make progress. Council Members Tatro, Galloway, Keller, Parker, Quan and Sekula-Gibbs absent.

Mr. Aaron Potier, 405 Main Street, Houston, Texas 77002 (281-630-1875) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Keller, Parker, Quan and Sekula-Gibbs absent.

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

Mr. Yongsheng Wang, 4454 S. MacGregor, Houston, Texas 77021 (713-842-2814) appeared and stated that he was present because the Chinese Consulate detained his passport for more than eight months and finally refused to renew it, now he did not have any passport, the Chinese Consulate said it was because he did meditation of Falun Gong in front of the Chinese Consulate and he explained to them it was because the Chinese police had tortured hundreds of Falun Gong participants to death in China, and displayed a large picture of what was going on in China and continued to voice his personal opinions regarding Falun Gong and the Chinese Governments opposition to the practice until his time expired. Council Members Tatro, Galloway, Keller, Vasquez, Parker, Sekula-Gibbs and Quan absent. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Wang stated that he could not get his Chinese passport renewed, that his status in the Country was F-1 and that then he would do the post doctor research of one year and finally he applied for asylum, that without his passport he could not travel, that his passport had not been renewed was because he practiced Falun Gong meditation, that he had not been given anything in writing, that they refused to do so, that there was no written reason. (NO QUORUM PRESENT)

Mr. Nizam Fayad, 6030 Knotty Oak Lane, Spring, Texas 77373 (713-303-2495) appeared and stated that he was present for the second time about the parking authority downtown and present with him was the Chairman of the Greater Houston Aerial Taxi Cab Driver Association, Mr. McIntyre to present his case. Council Members Tatro, Galloway, Keller, Vasquez, Parker, Sekula-Gibbs and Quan absent. (NO QUORUM PRESENT)

Council Member Ellis moved to suspend the rules to hear Mr. Douglas McIntyre at this time, seconded by Council Member Goldberg. Council Member Robinson absent on city business. Council Members Tatro, Galloway, Keller, Vasquez, Parker, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT) (Note: As no quorum was present no vote was recorded)

Mr. Douglas McIntyre, 18147 Dinner Creed Dr., Katy, Texas 77449 (832-978-4549) appeared and stated that Mr. Fayad had a problem with the Parking Authority before and he had gotten together a petition with 300 names, that he had become leader of the taxicab association and a copy of the petition was available to them should they want to see the 300 names, also the problem that they seemed to be having was that they felt that the Parking Authority had been issuing tickets falsely, there were a lot of tickets being issued without the driver ever receiving those tickets, that 45 to 60 days later they received a notice saying that they owed \$40 to \$75, that they had discovered a number of the tickets still connected together in the trash cans around the City from Parking Authority people, who had never even attempted to give them to the people involved, that there had been no notification, that they found that the parking problem in the City needed to be addressed and the few ways that it might work out or be of help was that there needed to be some more areas in the City where cabs could stand without illegally parking because they had now increased the number of cabs in the City but they had decreased the number of parking spaces to the point where they could not even enter the City, that they were being ticketed for picking up and delivering passengers and the tickets were being written from a distance by someone with a computer satellite unit and they never knew they had tickets, that Mr. Fayad, after his last visit to Council, went to the Parking Authority and tried to take care of

the two tickets he had and was told that he had thirteen more, that of those thirteen, about six of them had been documented that his car was either on a tow truck being towed at Spring at the time or in a repair shop having the radiator fixed at the time, there was no way that he could have the number of parking tickets that he was alleged to have and they felt that something had to be done and something had to be looked into because he was not the only one, that the major cab companies were receiving letters with hundreds of tickets issued to those companies, all where the amounts were doubled and tripled because it took 45 days to get notification that they even had a problem, that they had been talking with the administrator of the Parking Authority and he was going to work with them on the particular issue of the person who was writing those tickets and then throwing them away, that he had been very helpful with that, but they felt that there really needed to be a program put in place where people who received a ticket were immediately notified by the City that they had a ticket. Council Members Tatro, Galloway, Keller, Vasquez, Parker and Sekula-Gibbs absent.

Mayor Brown asked Mr. McIntyre what was exactly was happening, and Mr. McIntyre stated that they were talking about hundreds and hundreds of parking tickets that were being issued by people coming around the corner and putting the ticket in the system but not informing the driver that he had one, that it was a parking citation, that cab drivers were always in their cars, they were not allowed not to be in the car, that the tickets were not being handed to the driver, that sometimes the driver will see the parking attendant come around the corner so he pulls off and at the same time the man has the license plate number and issues a ticket, but the driver was not aware that he had been issued a ticket, that the driver may have been standing at that street to deliver a client and the parking person did not know, he just arbitrarily issuing the tickets, that the driver had no way of knowing that he had received a citation until the citation had gone up to \$75 from a \$35 or \$40 tickets or even a \$20 goes to a \$40, that he had no way of knowing that he received that and in some cases they got 10 or 15 of them at the same time and as much as a year later and now they were talking about a \$600 or \$700 hit on a man that made \$70 per day, that there was a real problem and the problem was that there was no place to park for the cabs downtown and because of the construction they understood that, but either they had to loosen up or a new system had to be put in place, they felt, to explain why or that they had tickets, because as a driver if he got a \$20 ticket and he was guilty he would go and take care of that ticket, he did not want a \$40 citation to come in later, especially if they came in 10 at a time, and Mayor Brown asked Mr. McIntyre if they had met with the Director of the Parking Authority, and Mr. McIntyre stated yes, that they had a chat with him this morning, and Mayor Brown stated that he was present in the Council Chambers now and when this was over he was going to ask him to sit down with him and make sure that they got to the bottom of whatever was going on. Council Members Tatro, Galloway, Keller, Vasquez, Parker and Sekula-Gibbs absent.

Council Member Ellis stated that he was the Chair of the Regulatory Affairs Committee and he would like to have a hearing in their committee on this subject, because it sounded like they probably needed to hear from the department that issues the traffic citations as well as somebody from Regional Planning, about making some spaces more available for the cabbies, that he was concerned with something that Mr. McIntyre had said, and that was that the individuals were not notified that they had a parking ticket, and asked if there was some notification process and Mr. McIntyre stated that there was no notification process, that he knew about, was in place until at least 45 days after the ticket was written, at which time the fine had double and the person was considered guilty, and Council Member Ellis stated that he did not know that and thought that might be enlightening for everybody on the committee to be informed how the process worked and so forth, that he would have a staff member contact him and he could have some of the individuals who signed the petition come to the committee meeting as well as they would have the appropriate people from the City of Houston give them explanations at that time. Council Members Tatro, Galloway, Keller, Vasquez, Parker and Sekula-Gibbs absent.

Council Member Quan moved to suspend the rules to hear Mr. John Lewis at this time, seconded by Council Member Ellis. Council Member Robinson absent on city business.

Council Members Tatro, Galloway, Keller, Vasquez, Parker and Sekula-Gibbs absent. MOTION 2002-1084 ADOPTED.

Mr. John Lewis, 301 Wilcrest, No. 7708, Houston, Texas 77042 (210-771-4473) appeared and stated that he was a Texas Certified Firefighter, EMT Basic, that he went out and got certified on his own through the State so when he came to the City of Houston to get hired by the Fire Department he came in under the Fast Track Program and got hired in Class 11 and they started on December 26, 2002 and at the training academy for Fast Track was two months long, that he graduated on February 14, 2002 and went to Station 46, C Shift, that his FTO was Captain Dale Jenkins, that while at the station he had a good working relationship with the crew and they worked hard, that on May 5, 2002 he injured his ankle stepping off of the pumper going to a fire scene, that he was released that evening to go to the hospital and get x-rays and ended and ended up going on Workman's Compensation for a month, that he had never been on Workman's Compensation before so he did not know exactly what to do, that he called Captain Jenkins towards the end of that month of being out and he said that it was imperative that he come back to the station, that it was probably the best thing to do, that he told Captain Jenkins that he had to go by what the doctor said, and Captain Jenkins stated to him that "they only make money by you being out on Workman's Comp" so by his telling him that he was afraid for his job so when he went to the doctor on the 28th of May he asked him to go back to work early and was released to full duty, but he wanted to keep him out another month but released him to full duty, that he went back to the station and performed his job duties and in the middle of July he had a mile and a half run, which was in accordance with HPD guidelines of a mile and a half in 11 minutes and 30 seconds, he failed it and two weeks later he was given a retest where he ran it in 11 minutes and 59 seconds, by their count, that 30 seconds was the reason he was present today, that he lost his job over 30 seconds, that after being told that he was going to lose his job he went back to his doctor and asked him what he thought because his ankle still hurt and it still hurt today because he was training so hard trying to make up for that run, because he lost a month being on crutches, or just about three and a half weeks, so he was not able to train, that he got the first letter on August 6th and in the letter it said that he released him back to full duty to do station requirements, which he thought was doing stair climbing, carrying equipment and things like that, that he said to be gentle on the ankle which he did, had he known he would be training for a mile and a half run he would never have released him, he would have put him on light duty and that was what he took into the review board and the review board completely dismissed that and recommended termination, he ended up getting sent home, that a month later he was called into Chief Crawford's office and before going to see him he went back to the doctor and that was where the September 10th letter came in, the doctor went into a little bit more detail on why he released him back to duty, saying how the different angles on running on a hurt ankle and pivoting on a hurt ankle were two different things, that he ended up losing his job after all his dealing over not passing a mile and a half run in 11 minutes and 30 seconds and got his termination papers last Tuesday, that 30 seconds was not a long time, that he could make a mile and a half run in 11 minutes and 30 seconds if he had time to recuperate and from what his doctor said, was five to six months. Council Members Galloway, Goldberg, Vasquez, Parker and Sekula-Gibbs absent.

Mayor Brown stated that Chief Sims was present and would meet with him and investigate what Mr. Lewis was bringing to their attention and report back to them. Council Members Galloway, Goldberg, Vasquez, Parker and Sekula-Gibbs absent.

Upon questions by Council Members, Mr. Lewis stated that to get on with the City of Houston they had to run the mile in 13 minutes and 7 seconds, that to get out of Fast Track and the academy they had to run the mile in 12 minutes and 15 seconds, that he never passed the 11 minutes and 30 seconds at any time, to get out of the academy they had to run 12 minutes and 15 seconds, Phase I, and for Phase II it was 11 minutes and 30 seconds and Phase III and Phase IV were also 11 minutes and 30 seconds, that it occurred two days after Phase I, that Phase I was on May 3rd and he ran the mile and a half on that day and then he injured himself on May 5th, that he was terminated, that he had passed out three sheets of paper to the Council

Members, that during Phase I when a cadet in his class would fail they gave him two weeks while still on station duty to pass the run, if they failed after two weeks in the station they would reassign them to the academy for two weeks, equaling four months to retrain for that 12 minutes and 15 seconds, that when he failed on July 16th with 11 minutes and 30 seconds, which was on Tuesday, he was at the academy that following Monday and two weeks after that, which was a Friday, August 2nd, he ran for his job, so that was ultimately two weeks rather than four weeks, that on August 2nd he had a meeting with Captain Troop and Chief Sarcon and asked them for the same treatment that they gave the other cadet, Mr. Narajo, that he asked them to give him two more weeks, and they said if he did not do it today by 3:00 p.m. that was it, that he ran it that morning by 8:00 a.m. and he missed it by 30 seconds, and then he ran it again at 1:00 p.m. to try to do it, that he really wanted his job, that he started volunteering in 1998 and went to a fire academy and EMS school in 2000, out of his own pocket, that as to the status of his injury, from what his doctor said that "due to the severity of Mr. Lewis's ankle strain, it could take approximately five to six months or even longer, to gain the strength for that type of training", that he never quit training, that if he was reinstated he would be able to do the run again. Council Members Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Mayor Brown stated that Chief Sims was present and would meet with him. Council Members Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Council Member Quan moved to suspend the rules to hear Mr. Charles Mathews at this time, seconded by Council Member Alvarado. Council Member Robinson absent on city business. Council Members Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Charles Mathews, 2310 Crescent Park, No. 806, Houston, Texas 77076 (281-589-8208) appeared and stated that he was present last week asking for an investigation into his termination with the Houston Fire Department, that Chief Sims did the investigation and recommended that he not be terminated, however Chief Connealy stated that he was sticking with his decision, that Chief Connealy was saying that he knew something on August 8th and it was up to him to prove otherwise, that he never denied that he spoke with Melissa Sherman on August 9th and 10th in his last appearance before City Council, when Chief Sarcon informed him on August 8th about the statements he never told him he was not supposed to talk to anyone about them, that Melissa Sherman was the one who told him everything, including the names of all the cadets who coerced to write the statements against him, by their superiors, that of course he knew something, but what he did not know was that he could not talk to anyone about it, that as soon as he was told not to speak to anyone, he did not, that if Chief Sarcon would have told him on August 8th that he was not supposed to talk to anyone, he would not have, but he did not, that the reason he was being terminate had changed, he now had to prove that he did not know anything before he contacted Melissa and Chief Connealy had not given him a fair chance at all to present the truth, if the City Council Members could not do anything for him that really left him no alternative but to file a wrongful termination lawsuit, but that was not what he wanted to do, he just wanted to become a fireman. Council Members Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor Brown asked if he had stated that Chief Sims recommended that he be reinstated, and Mr. Mathews stated yes, that was his understanding, that was what he was told, that the reason that the fire chief had not accepted the recommendation was that the fire chief was saying that he knew something was going on and that he interfered with the investigation by speaking with her before he was formally aware, that he was not formally aware of the investigation until August 12th, that was when he went to the OIG and gave them his statement and they told him not to speak of it with anyone, that he spoke with Melissa Sherman on August 9th and 10th and no one told him prior to August 12th not to speak to anyone about it, that after August 12th he never spoke to anyone about it, that he thought that Chief Sims had the tapes

and thought he had all the facts to the case, and Mayor Brown asked if the OIG had found that he had done something wrong, and Mr. Mathews stated that no, that the allegation of sexual harassment was proven to be insufficient, that there was not sufficient evidence to prove that so his termination was based on interfering with the investigation, that was the only issue as far as he knew, that was what his termination papers stated. Council Members Galloway, Goldberg, Ellis, Vasquez, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT) (Note: As no quorum was present no vote was recorded)

After further discussion by Council Members, Council Member Quan moved to suspend the rules to hear from Assistant Chief Simms at this time, seconded by Council Member Tatro. Council Member Robinson absent on city business. Council Members Galloway, Goldberg, Vasquez, Parker, Sekula-Gibbs and Berry absent. MOTION 2002-1085 ADOPTED.

Upon questions by Council Members, Chief Sims stated that he had done a preliminary investigation, that there was a sexual harassment complaint filed, and the OIG did not sustain that, however they did sustain a non alleged complaint, which was interfering with an official investigation, and in the scope of the investigation they did find that he had foundation, they felt that he had interfered by contacting the person who had filed the complaint of sexual harassment, that Council Member Robinson approached him and asked him several questions in reference to it, he had not started the investigation, and the question was did he think Mr. Mathews should be brought back and his response to the Council Member was if he had to make a decision today, yes, but he had not done a thorough investigation, that Chief Connealy decided, prior to investigating the matter, that he did not need any further investigation, he decided that it was a termination, that after the Council Meeting last week he had done a preliminary investigation until Chief Connealy decided he did not need a further investigation into the matter, that he did not give a recommendation, that he represented that administration at this point and the administration determined that termination was the rightful thing to do, that the conversation that Mr. Mathews had with the complainent took place prior to his receiving a formal notification that he was under investigation and was not to speak with anyone, however, there were rules, there were State statutes that governed classified firefighters, they tried to extend that as much as possible to their cadets, but they were still civilians and they did not have to actually notify them as they did firefighters, they tried to extend to them, to some extent, the privileges that they gave the classified firefighters, that Mr. Mathews did speak to the person who filed the complaint and they had tapes to that effect, that it was prior to being notified officially by the Houston Fire Department or OIG that he could not speak or interfere into the investigation, that occurred on the 12th, that he contacted the individual on the 9th or 10th, that investigating he had a rule of conduct that was given to cadets and that rule of conduct was a rule that said anytime there was an official investigation they were not to interfere. Council Members Galloway, Goldberg, Vasquez, Parker, Sekula-Gibbs and Berry absent.

Mr. Bibler stated that whatever advise Mr. Mathews received from the City Legal staff was given on a confidential basis and he had just stood at the podium and threatened a lawsuit against the City and if someone wanted to visit with the Legal staff about what they had to say about the investigation they should do it privately, and Mayor Brown stated that his concern had nothing to do with the lawyers, he was interested in how Mr. Mathews could be found guilty of speaking with someone if he was never told not to speak to someone and asked if that was what transpired, and Mr. Mathews stated that he had said to Ms. Sherman that he had heard that some statements were written against him and Ms. Sherman stated that there were and he asked her what she wrote and they stepped outside of the building and she said that Cadet Wells, who was their class guide and who brought up the other stuff, said that he overheard him say something inappropriate to her, therefore, she was told by their superiors, their class officers, to write a statement against him about anything he may have said inappropriate to her and she said she specially told them she did not want to write a statement, that he never harassed her or made an attempt to harass her and that was it, but they told her that since someone had heard him say something she would have to write a statement about it, that she said she did, that she wrote the statement and that was it, she did not tell him that she had

spoken with the OIG, that she said she just wrote a statement and gave it to them and then later on that day they talked again and she said for him not to call her house, to call her cell phone because she did not want her husband involved in it and he said that was fine, that he and his wife wanted her to sign a letter saying that she was approached by the class officers to write the statements, that she never came forward on her own to make the allegations, that she said okay, that she would find out, that she would talk to Chief Sarcon on Monday to find out if she should do it and that was his last contact with her on August 10th, and Mayor Brown stated that he would follow up with OIG and see what they had in there investigation and would follow up from there. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Chief Simms stated that he wanted to assure Council that when they did investigations, and he was not talking about this specific investigation, there were occasions where they conducted an investigation they come across other evidence that had nothing to do with that particular investigation and it was the duty of the OIG or IAD to bring those charges forward, and in this case it was their opinion that Mr. Mathews interfered, that there were some valid questions on both ends. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Mr. Dave Bodart, 5627 St. Moritz, Bellaire, Texas 77241 (713-316-7362) appeared and stated that he was a handling adjuster for an insurance company in Houston, that he was present on his own and not in connection with the company, that they may or may not be aware of the fact that it was basically illegal for tow companies and storage yards for all intents and purposes kidnap cars at the scene of an accident, bring them to their storage facility and hold them hostage until the concerned insurance company pays the ransom to free the vehicle, that the charges were capricious and were not subject to market forces because the insurance company was obliged to pay whatever fee the yard decided to charge to release the vehicle for repairs or recovery by the owner, that the person who owned the car was not explained at the scene of the accident what the charges would be, they were not told that they could have the car towed wherever they wanted, simply the car was taken away and unfortunately, a lot of people at the scene of an accident were under the impression that the tow companies were acting in a quasi, governmental, official sort of capacity, that they were there to do the City's business to clear the roads, that as an example of some recent towing charges, he had one where the wrecker bill was \$800, followed by storage fees of \$35 per day, and the car was held for 25 days so the storage fee was \$875, there were some other miscellaneous charges on the bill, \$1,800 to free the car, that on another one, the car was in storage for less than 24 hours and the wrecker fee was \$150 followed by storage for \$105, transfer fee of \$125, administration fee of \$150 for a total bill of \$570, that there was another one, towing bill \$700 and some various other miscellaneous charges and a transfer fee of \$325 for a total fee of \$1,600, that another recent one, towing fee \$125 and this one too was less than 24 hours, administration fee \$500, when asked what was administered for \$500 the owner repeatedly said it was administered and that was what they were charging and a tow out fee of \$195, the total bill for less than 24 hours was \$850. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Council Member Ellis asked Mr. Bodart who he worked for and Mr. Bodart stated that he worked for Progressive, and Council Member Ellis stated that they had just passed a new ordinance and a process by where if it was a scene of a wreck that happened on a public thoroughfare and a police officer comes to the scene the individual still had the right for the consent tow, but they had authorized the police officers to bring in certain tow truck drivers that were certified now, that they had to tow within that region, that he assumed that Mr. Bodart was talking about were consent tows from private property, and Mr. Bodart stated that they were on public roads and typically scenes where the tow people were there before the police were there, and Council Member Ellis asked what dates they were because he knew they implemented the program August 19, 2002 and if it was after that he had some concern and Mr. Bodart stated that they were within the last two weeks, and Council Member Ellis asked what Mr. Bodart was

requesting from the City Council, and Mr. Bodart stated that he thought that something that might help would be to make it mandatory for the tow driver to tell the person what it was going to cost, he would prohibit the add ons, that now a tow driver could honestly tell a person that the tow was going to be \$125 and the person's perception was that \$125 was not ludicrous, but what he was not aware of was that there was going to be a \$500 administrative fee on top of that, that to make it mandatory that all fees were wrapped up in the towing fee. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Council Member Ellis asked Mr. Bibler if they had their hands tied by the courts as to what they could restrict and regulate in the towing industry, and Mr. Bibler stated that presently they had a situation, as he described, where authorized tow trucks could go to the scenes, but if the owners of the vehicles or drivers were there and wanted to negotiate a price with them they could, that he guessed he was surprised by this because he would expect that in most of those cases they would say to take it to the Ford or Chevy dealer or something like that because they would have a particular destination, that they would know the people that were there and the only thing they would negotiate with them would be the price to take the vehicle there and they did receive a piece a paper saying what the towing price was and where the vehicle was being taken, that they were not quoting a storage price because he would have thought that in most of those cases since the owner of the vehicle was saying where they wanted it taken the tow truck driver was probably not in control of what those folks charged, if they charged anything although he would think in most of those situations it would be a repair shop that the owner of the vehicle knew and was comfortable with. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Council Member Edwards asked if there was no legal binding requirement for tow people to tell people what was going to be charged, that there was no mandate to say if they were going to tow someone's car they had to know upfront the cost, including administration, whatever that may be, and Mr. Bibler stated that on non consent tows City Council sets not only the towing fee, but the storage lot fee and the administrative charges that could be imposed, on a consent tow, theoretically the vehicle owner was saying to take it to Tommie Vaughn Ford or Jacks Garage, if the tow truck driver was not going to know what Tommie Vaughn Ford was going to charge, so he guessed these were some sort of hybrid situations where someone just said take it wherever they wanted to, that he was sorry they did that but maybe they had a need for consumer education, and Council Member Ellis stated that on tows that the City regulates they had structured a fee schedule and on tows that some unscrupulous wrecker drivers and storage lots were entering into with the general public they were price gouging, he thought would the proper terminology, and because their hands were tied and they were not able to regulate the consent tows, he did not know what they could do as a legislative body, that he thought as an individual and the insurance company could be able to take them to small claims court and sue them, and Council Member Edwards stated that she would like to get together with Mr. Bodart and maybe put together a one page thing that they could give to at least the civic clubs to tell them what their rights were and if they were being tow that they needed to ask those questions and Mr. Bodart stated that he would do so. Council Members Tatro, Galloway, Goldberg, Wiseman, Vasquez, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

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, Goldberg, Edwards, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Quan moved to suspend the rules to hear Ms. Kristine Jones at this time, seconded by Council Member Tatro. Council Member Robinson absent on city business. Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT) (Note: As no quorum was present no vote was recorded)

Ms. Kristine Jones, 3214 Ferdale, Houston, Texas 77098 (713-529-1230) appeared and stated that she was a senior in college and in her second term as a commission on the Houston Commission of Disabilities, that it was composed of citizens like herself that advised the City on issues that affected persons with disabilities, that she would like to particularly thank Council Member Quan for requesting her to present to them an opportunity to participate in a very worthwhile enterprise, that opportunity was National Disability Mentoring Day, to be held in Houston and nationally on Wednesday, October 16, 2002, that it was the third year that Member of the City Council and other agencies of the City would have participated in the mentoring program, that Council Member Quan had participated in each of the last two years that the program had been held and thanked Council Member Quan for his past participation and willingness to be a mentor again this year, that the Greater Houston Partnership also continued to be a big booster of this program, that companies in Houston like Hewlett Packard, Reliant Energy, BMC Software, Americas Corp and the Urban League and many more were participating, just to name a few, that colleges such as Rice, U of H, TSU, HCC and the University of Saint Thomas send students into the workforce for the day to be mentored by professionals like the Council Members in the area of the students interest, that Governor Rick Perry was also issuing a proclamation declaring National Disability Mentoring Day in Texas on October 16, 2002, that last year students from 32 states participated in the day of mentoring, that National Disability Mentoring Day was about opportunities for all Americans and particularly for many millions of the college and high school age citizens with disabilities, that National Disability Mentoring Day was about economic self sufficiency, which was the ultimate empowerment of all Americans, particularly for those people with disabilities, that she was present to welcome Members of the City Council to participate again this year in a program that was a mentoring concept, an on the job shadowing, where employers and young adults were brought together for a day to engage in dialog and observe first hand about the opportunities and careers in government service as well as the private sector, that they were their mentors and their leaders and as a Houston coordinator of the National Disability Mentoring Day she welcomed their participation in the program on October 16, 2002. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Council Member Quan stated that he wanted to thank Ms. Jones for being present and for serving the City through serving on their commission for persons with disabilities, that he wanted to encourage each of the Council Members to take on a young person as a mentor on that day, that the two that they had were outstanding individuals and had a lot of questions and he had really enjoyed them and their participation. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Council Member Edwards stated that she had the opportunity to meet Ms. Jones at the West Gray Metropolitan Center and would love for their office to work with her on it and to please contact them to get them involved. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Mayor Brown stated that he wanted to thank Ms. Jones and appreciated her service. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Ms. Pauline Denson, 3400 Ocee Street, Houston, Texas 77036 (713-789-9746) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Ms. Joann Green, 23807 Farm Hill Rd., Spring, Texas 77373 (281-350-8327) appeared and read the following letter: "Good afternoon, my name is Joann Green and I have breast cancer. My purpose today is to express my trepidation's about HMO Blue of Texas. I am alive today because of the excellent care I have been receiving at the #1 cancer hospital in the U.S. - M.D.

Anderson Cancer Center. I need to be allowed to finish at this facility with the doctors I have now.

On August 9th, I submitted all paperwork requested by HMO Blue for my continuance of care at M.D. Anderson. I have with me a chronological list of dates, times, and conversations with the representatives from HMO Blue, and the City of Houston.

On September 6th, almost a month later, I was informed by Michael Bush, a representative with my new IPA (Independent Practice Association), Renaissance, that they never received the paperwork. I have documented proof that HMO Blue, did in fact, receive it.

It was not until September 16th, that I received an answer from the IPA, Renaissance. They have denied my continuance of care with my medical oncologist and have granted only 3 visits to my plastic surgeon at M.D. Anderson thru December 15. I will not be done with treatment by then, and my greatest fear is that the IPA will not grant the necessary visits to my doctor at M.D. Anderson to finish my plastic surgery. This would be unconscionable, but it very well could happen.

On September 1st, I along with my entire family LOST every University Care Plus doctor we had. We have had some for as long as 13 years. Since I have Systemic Lupus and my son has Type I Diabetes, our LOSS was devastating.

At a time when I was supposed to be recuperating from 6 months of chemotherapy, and a mastectomy with immediate reconstructive surgery, I had the added stress of having to search out new Primary Care Physicians for my family, along with the specialists needed to help care for my Lupus and my son's Diabetes. I have spent countless hours on this and I am still not done. Our list of doctors to choose from is now VERY small. We were happy with the relationship we had with our UCP doctors.

I appreciate the response to my e-mails from council members, Parker, Tatro, and Gibbs. Dr. Gibbs has voiced my concerns to Mr. Anthony Hall, in the legal department. Thank you Dr. Gibbs for your interest in my dilemma.

My husband, Freddie Green, has been a faithful employee for the City of Houston Fire Department for 21 years. It is incomprehensible, to me that we live in a city with world-renowned doctors and medical facilities and we are now being denied access to them. This is happening to me now, but anyone of you listening to me could be next.

All city employees medical care is being jeopardized, and we strongly feel that other options must be considered." That she felt they did not matter to the City, her husband's employer or the insurance companies. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Upon questions by Council Members, Ms. Green stated that she had not gotten a copy of Council Member Robinson's letter to the Attorney General's Office asking for an investigation as to deceptive trade, that her plan now offered for a Rumatologist, two, and that was it, that her for her son's Diabetes, Pediatric Endochronogist, two, that she had the choice of four Oncologists and she was only given one and did not even know if that particular doctor was a breast oncologist, that she had the best, Dr. Frank Arnet was her Rumatologist at the University of Texas and had been since he diagnosed her 13 years ago, that they establish a relationship with those doctors and she had lost that and now they had to start all over again and they had very few to select from, that she realized that they would have to pay more dollars on the front end to get access to the people that they needed to have, that it used to be that they could chose who they wanted and the insurance would pay 80% and they would pay 20%, that the Point of Service Plan that the City offered would bankrupt her and her husband, that she had six medications for her Lupus, that her son wore an insulin pump and then the insulin and supplies for the pump, on

the Point of Service Plan she could certainly perhaps go to her doctors back at the University of Texas but they would not cover the prescription at the three month pharmacy that the doctor prescribed, that the Point of Service Plan was larger deductibles and larger co-pays, that it had been her understanding from talking to the doctors that went to Herman Hospital, that still would not be able to go there, that even if she paid more money she would still not get the doctors that she wanted. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Mayor Brown stated that they would keep working with her and hopefully they could get it resolved. Council Members Galloway, Wiseman, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Ms. Linda Tidwell, 25419 Pepper Ridge, Spring, Texas 77373 (281-447-8484) appeared and stated that she had a brother who was an alcoholic drug user with AIDS, that until seven months ago he took shelter in a cardboard box in Galveston, he had never had a job long enough to provide him with health insurance, thankfully when he was ill he had access to one of the best teaching and learning facilities in the State of Texas, the University of Texas at Galveston, that in comparison her husband was a Houston firefighter and several years ago he had bypass surgery and was told by his surgeon that his lungs were in poor shape after 27 years of inhaling smoke, that on September 1, 2002 he lost his University of Texas doctors because these doctors and many other doctors refused to join an HMO Blue Group, that on August 13th she was diagnosed with cancer and her Baylor Oncologist recommended surgery and made an appointment with an internist for her preoperative checkup, because of insurance she could not use this doctor or any other Baylor doctor that he recommended, all had dropped HMO Blue, that his nurse gave her a clinic to call but all 34 physicians refused their plan, that countless HMO representatives gave her names of doctors to contract but to her horror the names provided refused HMO Blue, that eventually she used her new primary care physician, but on November 25, 2002 his clinic will no longer take their insurance, that City employees choices of doctors had drastically diminished, that if they had cancer and their choice of hospital was at M.D. Anderson, just try to get a referral, that she was terrified that if she lost her primary care physician she would lose her independent Oncologist, that if the cancer had spread and wanted to use her doctor for the duration of her treatment she could not, that she had cancer, but that was not a death sentence, that cancer was beatable, treatable and survivable, but they must have access to the latest cancer advances, the most learned Oncologist and the best facility, that insurance companies try to run them around until they were too tired, discouraged or sick to fight, that she was worried that HMO Blue would knock the fight out of her before the cancer, that if they or their family members were diagnosed with heart disease, heart trouble or cancer they would want choices, but this insurance plan as it was, did not give them choices, please help them. Council Members Galloway, Edwards, Wiseman, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Mayor Brown stated that he wanted to assure her that they would continue to work on it, that most of them heard the complaints on a regular basis and there were issues that they had to address, but they would continue to work on it. Council Members Galloway, Edwards, Wiseman, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Ms. Latonya Bigger, 770 Fawn Dr., Houston, Texas 77015 (713-451-8477) appeared and stated that she was a Houston Police Department employee and was a senior dispatcher and had been dispatching for 11 ½ years, that she was present with a little problem that she had been having in her department, that she took a supervisors test and passed the test and ranked number two, that was in December 2000, that number one was promoted the next month, that there were positions available and when they did have an opening it was a supervisor who was medically retired and nobody had approached her about a promotion, so she waited a few months after the holidays and then started asking around, that they told her to check with Diane Jackson and make an appointment with the Chief and she did and on March 27th she had a

meeting with Chief Bradford in his office and she and her husband were there and the Chief stated that the hiring freeze was on for the rest of the City but certain jobs were necessary like police, fire and communications and when they reopened the dispatching positions they should open the supervisor position also, so with that she went about the task of doing the paperwork and they had advised Diane Jackson in Personnel to go ahead and start on her paperwork, that they were to merge with 911 in March, that was why she originally started the meeting with the Chief and they had the position come available and the time passed and they passed her paperwork around and they lost it and then they found it and then eventually they sat on it long enough for all of everything to be done and completed, that she had copies of paperwork and lists of the seniority and 911 and actually when they merged with 911 their whole reasoning was that her position was invalid because they merged with 911 on July 1st, that her paperwork was done and complete and the only thing that she lacked was the urine test and the last interview with Diane Jackson, that because she had started in March it was very hard to believe that all of the City employees that she encountered or had to help her were that totally incompetent to actually sit on her paperwork, that she could not believe it, that truth came to pass and that was exactly what happened, that she appealing for the Council to please correct the mistake that had occurred and promote her to her supervisor position, that she had a handout for the Council Members and it would make for interesting reading, that she would also like retroactive back pay and her seniority, that when they merged with 911 they absorbed the supervisor's spot, therefore saying that HPD was not valid, that all the time she was an HPD employee, on the HPD payroll and HPD ranked, that she did not know how they were going to work it, but she would like for it to be corrected. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Mayor Brown asked Ms. Bigger if she was interested in the 911 supervisory position and Ms. Bigger stated yes, and Mayor Brown asked if she had applied for it and Ms. Bigger stated that she had looked in the computer and there were no openings, that she did not see why she should have to apply for it when she already had the position that they nullified and voided, and Mayor Brown asked if it was correct that the position on the previous list expired because of the position control, that they were not filling any more positions for it at the Police Department, and Ms. Bigger stated no, that her position was open and she applied for the position and went through all the paperwork and processing and procedures and somewhere along the line, if they followed the paper trail, they would find out where it stopped, that she did not know if it was transferred to the 911, that she talked to Diane in Personnel and she told her that her position was invalid and they were not honoring the HPD supervisor list and she urged her to apply for the supervisors position but that did not necessarily mean that she would already get a supervisor position, and Mayor Brown stated that he understood the position was transferred to 911 on July 1, 2002, that it was converted to a PSAP supervisor and she could apply for that, that Chief Stewart was present and would meet with her, that as he understood it the best course of action would be to apply for one of the 911 positions. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Mr. Brad Hudson, 13347 Silverado, No. 711, Houston, Texas 77077 (281-589-8441) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Ms. Alicia Harris, 10209 Bassoon, Houston, Texas 77025 (713-763-0849 pager) appeared and stated that she would like for them to let Project No. 440, Street and Drainage Reconstruction in Westwood continue as planned, that she was sure that monies were approved for the project with great appropriate studies and justification, that the north side of Westwood Street Reconstruction had been completed, now she heard the south side, where her home was, had been delayed to 2005, that her house floods, the slab and grass were constantly wet with the slightest rain, that her dining room floor grows black mold and smells, that proper street drainage would allow her lot to dry and allow her home to be dry and inhabitable, please

do not reroute appropriately approved for this project to go elsewhere, there is no one area more important than another area, so she asked them to please proceed as originally planned, and displayed a picture of her home with water and mold damage, that it was disgusting and she did not know what to do, the street reconstruction project was approved for a reason, there was a great need in their area. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Council Member Goldberg stated that the street reconstruction project that she was talking about was approved in 1995, that he was going to make an amendment to move the project up, just to the place where it was, last year, that he wished he knew exactly who made that decision to move it back, that project was actually one project and half of it was already started and the project that Ms. Harris was talking about had already been designed, the design was fully complete and to wait two years would mean they would maybe have to scrap that design and waste City money, that on top of it the roads in her neighborhood were some of the worst in Houston, that who ever moved it back two years did not look at the history and had not been out in that area, that it had been asphalted several times and the concrete under the asphalt was already crumbling, they could not even do an overlay anymore, it was that bad. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Ms. Amy Vaughn, 270 N. Carolina, Houston, Texas 77029 (713-674-1207) appeared and stated that back in the 1990's the City put a tag on her little house and they tore it down and they got a letter from the City this month saying they tore it down and put a lien on the house for \$606.67, that she and her kids demolished the house, that she needed to know the number or the address where she could go and take the appeal letter. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Mayor Brown stated that Mr. Greg Simpson would meet with her and provide her with all the information she might need. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Ms. Allene Holman, 10506 Bassoon, Houston, Texas 77025 (713-663-6562) appeared read the following statement:

"Mayor Brown, Council Members, and Others: Thank you for this opportunity to speak to you. We ordinary citizens have no organized power guiding us and training us on how to approach you. So I come as an everyday citizen of the community asking you to honor pledges that were made.

I am here to speak for the Seniors who live in Westwood Southside, a small, fifty-year-old subdivision of diversity that truly represents Houston-at-Large.

These are briefly the facts of our cause:

In the early nineties we were told that our streets were in such bad condition that resurfacing was not an option.

Much work by many people fulfilled the requirements for street reconstruction and in 1995 we were approved for 2002.

We waited patiently while our streets continued to crumble because we could see a light at the end of the tunnel. At 79, I ride my bicycle for physical therapy. But the areas I use to stay out of through traffic are so rough and uneven that they are hazardous and I fear falling. They are also unsafe for seniors who walk.

2002 arrived. South Side was scheduled to be done first because our streets were older and in much worse condition than the North Side. However, because of circumstances, the North Side was done first. We were assured that we would be next if the bond issue passed.

So we trusted the promise, we paid our taxes, we voted and passed the needed bond issue, and waited patiently as we watched the new streets being created on the North Side

Now that our turn has come, we find that we are being pushed forward for two (or more) years! If the past promises are not valid, why should we trust this one? Are our elected representatives and the bureaucracy that supports them, really so unethical that promises mean nothing? I choose not to believe that even though many of my peers have come to that conclusion.

It is rightfully OUR TURN NOW. Not in future years." Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Council Member Goldberg stated that Ms. Holman was right, that actually the project was supposed to have been done last year, that most street reconstruction projects took seven years, that the petition was filed in 1995 and it was logical that 2002 would be the year that it was accomplished, that it was traded places with the other half of the neighborhood because of an unfortunate sewer line project that they had started tearing the streets up on, so their section was switched around with the north section, that when he met with their civic club he told them that they would get it this year as long as the bonds passed, because the money for this year was from the past bond election, that she was absolutely correct on that, that everybody in that neighborhood voted in good faith saying they were going to support the bonds because they wanted their neighborhood to get done. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Council Member Quan stated that some of his staff members lived in that neighborhood and he heard about it on a regular basis, so it certainly was a priority with him as well. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Mr. John Jenkins, 47062 McDermid, Houston, Texas 77025 (713-216-0644) appeared and stated that he was also present to speak to the Westwood street reconstruction, that he had brought with him petitions for the Council Members, that there were 368 signatures from residents of Westwood, that 330 were from residents in the south side, that they did believe that delaying the project was not fair to the citizens of Westwood, that the City of Houston had already invested much money for the project, survey, design, engineering and construction documents were complete or very nearly complete and they believed the job should be completed as planned, it was really an issue of quality of life, that driving their cars, walking or riding a bicycle through Westwood, all of those activities suffered with their street conditions, that drainage and flooding were also problems to, they respectively requested that funding for their project be reinstated in the present budget and that construction begin as soon as possible, and asked the people present from their subdivision to stand. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. NO QUORUM PRESENT

Mr. Mao Tsai, 2210 Crystal Hill, Houston, Texas 77077 (713-270-2533) appeared and related his personal experiences and voiced his personal opinions regarding the practice of Falun Gong and the Chinese government's harassment in opposition to the practice until his time expired. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Denell Wiseman, 5611 Jackson, No. 9, Houston, Texas 77004 (713-348-6022) had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Mei Gong, 6401 Ranchester, Houston, Texas 77036 (713-686-3304) 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, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Dr. Motapa, 5922 Martin Luther King Boulevard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, 6000 Telephone No. 408, Houston, Texas 77087 had reserved time to speak, but was not present when her name was called. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-847-5100) appeared and voiced his personal opinions until his time expired. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry 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 Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

At 4:58 p.m. the City Council recessed until 9:00 a.m., Wednesday, September 25, 2002. Council Member Robinson absent on city business. Council Members Tatro, Galloway, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, September 25, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, September 25, 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, Gordon Quan, Shelly Sekula-Rodriguez, M.D., Michael Berry and Carroll Robinson; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present. Council Member Annise Parker out of the city on city business.

At 8:28 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. Council Member Galloway absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 46

MISCELLANEOUS - NUMBERS 2 through 6

2. REQUEST from Mayor for confirmation of the appointment of **MR. DERRICK MITCHELL** to Position Five of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON**, also known as **MIDTOWN ZONE**, to fill an unexpired term ending December 31, 2002 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1086 ADOPTED.
3. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **NORMAN ALLEN** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1087 ADOPTED.
5. RECOMMENDATION from Director Department of Health & Human Services for approval of fifth year funding for an Interlocal Agreement with **HARRIS COUNTY** for the Houston/Harris County Child Fatality Review Team - \$44,732.00 - General Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1088 ADOPTED.
6. RECOMMENDATION from Acting Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **COURTYARD WESTWAY HOMEOWNERS ASSOCIATION** for Law Enforcement Services of 1 Deputy from Harris County Constable Precinct 5 - **DISTRICT A - TATRO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1089 ADOPTED.

ACCEPT WORK - NUMBER 8

8. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$707,318.15 and acceptance of work on contract with **COMEX CORPORATION** for IAH Cable Tray and IDF - Phase I, at George Bush Intercontinental Airport/Houston; Project 490T, CIP A0322 - 02.88% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Robinson. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1090 ADOPTED.

PROPERTY - NUMBER 12

12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Rickey J. Mattern, for abandonment and sale of a 20-foot wide sanitary sewer easement, located within Tracts 1, 2, 3 and 4, P. L. Hilton Survey, A1265, Parcel SY3-016 - STAFF APPRAISERS - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1091 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 and 14

13. **MORGAN BUILDINGS AND SPAS, INC** to Furnish, Deliver and Install One Modular Building for Houston Fire Department - \$51,742.00 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Quan, seconded by Council Member

Ellis. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1092 ADOPTED.

14. AMEND MOTION #2000-0015, 1/5/00, TO EXTEND expiration date from January 5, 2003 to January 5, 2005, for Wheel Replacement Parts for Various Departments, awarded to **POLAR SERVICE CENTERS** - was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1093 ADOPTED.

ORDINANCES - NUMBERS 16 through 46

17. ORDINANCE consenting to the addition of 4.0079 acres of land to **FAULKNEY GULLY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. ORDINANCE 2002-0885 ADOPTED.
18. ORDINANCE consenting to the addition of 166.969 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. ORDINANCE 2002-0886 ADOPTED.
19. ORDINANCE consenting to the addition of 177.1063 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. ORDINANCE 2002-0887 ADOPTED.
36. ORDINANCE approving and authorizing an occupancy agreement between **COMMUNITY DOULA PROGRAM**, as occupant, and the City of Houston, Texas, as owner, for space in the Magnolia Multi-Service Center - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. ORDINANCE 2002-0888 ADOPTED.
37. ORDINANCE approving and authorizing an occupancy agreement between **CONDITIONING AND REHABILITATION CENTER, INC**, as occupant, and the City of Houston, Texas, as owner, for space in the Magnolia Multi-Service Center - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. ORDINANCE 2002-0889 ADOPTED.
43. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **BRIARHILLS HOMEOWNERS ASSOCIATION** for Garbage Collection Service for the respective civic association - 10 Months - \$120.00 - General Fund - **DISTRICT A - TATRO** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. ORDINANCE 2002-0890 ADOPTED.
44. ORDINANCE approving and authorizing professional consulting services contracts between the City of Houston and **HBC ENGINEERING, INC and BROWN & CALDWELL, INC** for General Environmental Services, GFS D-0073-09-2 and D-0073-10-2 - \$261,950.00 - Grant Fund had been pulled from the Agenda by the Administration, and was not considered. Council Member Galloway absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS

FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment of **MR. JOHN STONE, II** to Position Eight of the **HOUSTON LIBRARY BOARD**, for a term to expire March 12, 2004 - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Member Galloway absent.

Council Member Goldberg moved to postpone Item No. 1 for one week, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1094 ADOPTED.

4. RECOMMENDATION from City Attorney for additional funding of an existing contract between the City of Houston and **LOCKE, LIDDELL & SAPP, L.L.P.** for Professional Litigation Support Services - \$100,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Members Keller and Ellis. Council Members Galloway and Sekula-Gibbs absent.

ACCEPT WORK

7. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$2,187,699.93 and acceptance of work on contract with **CONSTRUCTION LTD** for Interim Relocation Package at William P. Hobby Airport (HOU); Project 417H, CIP A-0141 - 04.98% over the original contract amount - DISTRICT I - ALVARADO - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Member Galloway absent.

Council Member Keller moved to postpone Item No. 7 until the end of the agenda, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1095 ADOPTED.

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$523,624.50 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Construction of Briarcroft Subdivision Relief Storm Sewer, GFS M-0126-04-3 (M-0126-04) - 13.40% under the original contract amount - DISTRICT G - KELLER - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1096 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$827,345.97 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Construction of Lakeview Relief Storm Sewer - Phase 2, GFS M-0231-04-3 (M-0231-04) - 06.76% under the original contract amount - DISTRICT G - KELLER - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1097 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$366,534.65 and acceptance of work contract with **PELTIER BROTHERS CONSTRUCTION, INC** for Memorial No. 5 Lift Station Rehabilitation, GFS R-0267-54-3 (4276-16) - 02.87% over the original contract amount - DISTRICT G - KELLER - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the

city on city business. Council Member Galloway absent. MOTION 2002-1098 ADOPTED.

PURCHASING AND TABULATION OF BIDS

15. **A B DICK CO.** for Print Shop Supplies for Various Departments - \$123,474.42 - General and Central Service Revolving Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Council Member Galloway absent.

ORDINANCES

16. ORDINANCE amending **CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the provision of Water Service by the City; containing other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Tatro.
20. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CIMARRON MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Cimarron Municipal Utility District and certain territory located in the vicinity of Cimarron Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002 - was presented.

Council Member Goldberg stated that he understood that in annexing the areas or actually taking some territorial jurisdiction they would start collecting a half cent sales tax and half of that one cent would go to the MUD and half would go to the City and in exchange for that they were providing services, on all of the Utility Districts, of health inspections and was wondering if someone did some sort of cost analysis to make sure that it did not cost them more to do the health inspections than the amount of sales tax revenue they would be realizing and asked if there was someone present to answer that question, and Mayor Brown stated that Mr. Jerry Wood was present if he wanted to suspend the rules to bring him up. Council Member Galloway absent.

Council Member Goldberg moved to suspend the rules to hear from Mr. Jerry Wood, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Galloway absent. MOTION 2002-1099 ADOPTED.

Upon questions by Council Members, Mr. Wood stated that they had done some preliminary analysis of the sales tax collections to be received from each of the areas and the cost of the health inspection services was relatively low and he could get them a spread sheet that described the difference in costs between the sales tax to be collected, that it included restaurant inspections and food service, that it was a small number that was manageable and would not raise the cost significantly, that in the Cy Champ District the City was extending the existing police services from Willowbrook to follow the 52 acres in Cy Champ that was being annexed for limited purposes, that it included one office building and some retail, including a Wal-Mart, that the existing police resources were going to be used so it was the same cost for providing services to Willowbrook before and after, that on the margin the additional 52 acres to the Willowbrook area did not require them to add additional officers, that they had been informing the Health Department of the fact that they were doing the limited purpose annexations and the number of locations in each of these areas was measured in the half dozen, it was a relatively small number of additional locations, that it was not that many restaurants, he was including some grocery stores and things like that. Council Member Galloway absent.

A vote was called on Item No. 20. All voting aye. Nays none. Council Member Parker out

of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0891 ADOPTED.

21. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Clear Brook City Municipal Utility District and certain territory located in the vicinity of Clear Brook City Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002 – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0892 ADOPTED.
22. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CY CHAMP PUBLIC UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Cy Champ Public Utility District and certain territory located in the vicinity of Cy Champ Public Utility District, in Harris County, Texas; providing for the publication of notice of such hearings HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002 – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0893 ADOPTED.
23. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Horsepen Bayou Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002 – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0894 ADOPTED.
24. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **MASON CREEK MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Mason Creek Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002 – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0895 ADOPTED.
25. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **PRESTONWOOD FOREST UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Prestonwood Forest Utility District and certain territory located in the vicinity of Prestonwood Forest Utility District, in Harris County, Texas; providing for the publication of notice of such hearings HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002 – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0896 ADOPTED.

26. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **WEST PARK MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within West Park Municipal Utility District and certain territory located in the vicinity of West Park Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings **HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0897 ADOPTED.
27. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY UTILITY DISTRICT NO. 6** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Utility District No. 6 and certain territory located in the vicinity of Harris County Utility District No. 6, in Harris County, Texas; providing for the publication of notice of such hearings **HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0898 ADOPTED.
28. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Municipal Utility District No. 36 and certain territory located in the vicinity of Harris County Municipal Utility District No. 36, in Harris County, Texas; providing for the publication of notice of such hearings **HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0899 ADOPTED.
29. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 81** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Municipal Utility District No. 81 and certain territory located in the vicinity of Harris County Municipal Utility District No. 81, in Harris County, Texas; providing for the publication of notice of such hearings **HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0900 ADOPTED.
30. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 221** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Municipal Utility District No. 221 and certain territory located in the vicinity of Harris County Municipal Utility District No. 221, in Harris County, Texas; providing for the publication of notice of such hearings **HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0901 ADOPTED.
31. ORDINANCE calling public hearings at which interested persons will be given the

opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Municipal Utility District No. 230 and certain territory located in the vicinity of Harris County Municipal Utility District No. 230, in Harris County, Texas; providing for the publication of notice of such hearings **HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0902 ADOPTED.

32. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 321** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes a certain area within Harris County Municipal Utility District No. 321 and certain territory located in the vicinity of Harris County Municipal Utility District No. 321, in Harris County, Texas; providing for the publication of notice of such hearings **HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 16 & 23, 2002** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0903 ADOPTED.
33. ORDINANCE approving and authorizing execution of Two Pipeline Easement Modification Agreements between the City of Houston, as Grantor, and **TE PRODUCTS PIPELINE COMPANY, Limited Partnership, a/k/a TEPPCO**, as Grantee at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0904 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City and the **AMERICAN LUNG ASSOCIATION OF TEXAS** for Teen Smoking Cessation Services; providing a maximum contract amount - \$335,625.00 - Grant Fund – was presented.

Council Member Alvarado stated that the Anti Smoking Program was a good idea, however it addressed high school and middle school students and she thought that was a little late in the day and stated that she would tag the item and would hope they could revisit it and perhaps implement the program in elementary schools where it was needed as opposed to high schools.

Council Member Berry asked if it was all federal grant money and no local funds, and Mayor Brown stated that the answer was yes.

35. ORDINANCE approving and authorizing Food and Beverage Concession Agreement at William P. Hobby Airport between the City of Houston and **CA ONE SERVICES, INC** – Revenue – was presented, and tagged by Council Members Edwards, Tatro, Quan and Keller.

Council Member Ellis stated that he would like to offer an amendment to the item, that basically what he wanted to do was take the 10 year contract and turn it into a 5 year contract with an additional 5 year renewal and then the three 1 year renewals, and the reason he wanted to do it that way was because if they got caught up in a contract for 10 years and were not satisfied with the vendors, he wanted there to be a clause in the contract that would allow them to get out after 5 years, and that would be his amendment, seconded by Council Member Keller.

Council Member Tatro stated that he would like to ask Mr. Hall about the legality of the amendment, and Mr. Hall stated that it would be hard for him to believe that vendors would agree to that because the City required a rather substantial investments up front from the vendors,

obviously, for building out the space or redoing the space that was already built out and part of the analysis that a vendor would make was how long they had assured to amortize the investments, and Council Member Tatro stated that considering that was Council Member Ellis's amendment legal or germane to the item that was on the agenda, could it be made, and Mr. Hall stated that was what they were saying, they had submitted a proposal and they could not legally bind them to that, they would have to agree to that, they told them what they wanted them to bid on and for what term and they did that.

Council Member Keller moved to suspend the rules to hear from Mr. Richard Vacar, Director, Aviation Department, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Parker out of the city on city business. MOTION 2002-1100 ADOPTED.

Council Member Ellis stated that it was his understanding when they had the committee meeting that the City was going to do the build out on the project and Mr. Vacar stated that they would do the shell and the actual fixtures and improvements within the shell would be the responsibility of the concessionaires, that he did not have the number of the costs, that it was part of the build in process, but they estimated that the cost to the concessionaires would be approximately \$2.50 per square foot, that was their minimum investment, that as to their investment amount, they could get that information back to him, he did not have it right in front of him, and Council Member Ellis stated that in the negotiation process, it was his understanding that for them to recoup their initial investment that they needed ten years, and Mr. Vacar stated yes, that the reason they went to a ten year contract, which was a long contract, was they had two areas that were being developed, one was the new central concourse, which would be twenty four gates for Southwest Airlines, that would have approximately 80% to 85% of the traffic going through that building, and that building, on the economic basis, was pretty easy to recoup their investment, the problem was that the other concourse they were building was going to have twelve gates and would have substantial square footage and would be the other airlines and that particular building would be, probably in the big scheme of things, the net loser, so the consultant advice was to put it in one package where if they stretched it out long enough they could recover the investment on the entire program, but it was the new twelve gate concourse which was the financial issue, and Council Member Ellis stated that he was still a little uncomfortable with doing the lengthy contracts, ten yours and so forth and would withdraw his amendment at this time and would like to discuss it in further detail over the next week.

Council Member Wiseman stated that she had passed out an amendment, that the amendment was asking that they refer the item back to the administration and request the administration to begin immediate negotiations with the Four Families of Houston, J.V. for the Food and Beverage Concession Contract at the William P. Hobby Airport and to bring said contract back to the City Council within two weeks, and Mayor Brown stated that it was out of order, the matter was tagged.

Council Member Keller stated that he was alarmed by one of the participants on CA One's team, that he had done an inquiry with the Harris County Tax Assessor and with the law firm that handled the City's taxes, that he believed it was against City Charter to do business with the City of Houston if they owed delinquent property taxes, and he had assurance from a member of their team that they would have him removed over the next week, and he hoped he would have that in writing over a period of time and would hope also, as Council Member Vasquez mentioned to him, that in that letter it would state that not only would he be taken off of the team but he would not be allowed to be put back on, that he would like to bring to Mr. Vacar's attention also that he was under contract with the City of Houston now at Intercontinental operating under a contract, and he believed in the RFP's, when they originally went out, it said "Do you owe any City property taxes?", so he would like that to be checked as far as the current status of the operations in which he was involved in right now at Bush Intercontinental, and at this point he had an update from F&A when they did their advertising of deadbeat taxpayers it was going to come together on October 15, 2002 and Dr. Scheps and Herb Lineberger told him it was going to be done in February but it had been moved back because they really wanted to glean it and protect

everybody involved, but that this individual be printed in the Chronicle in the middle of October for \$261,170, that he owed it to the City of Houston right now, chronically since the 1970's, that he hoped that they would not only allow it to happen in this possible contract, but to rectify it as far as the current on going situation, that the individual's name was Mr. Charles Bush, and Mr. Vacar stated that they would look into it.

Council Member Vasquez stated that he thought that this particular point that Council Member Keller was bringing up was extremely important and due to the fact that there was a history of this individual not paying taxes he thought there should be a death penalty imposed so to speak, in the sense that they not be allowed back on the contract if CA One were to by chance win the contract, that in addition to that Mr. Bush was also on another contract with another team on the retail and so he believed he needed to be removed from that as well and again not be allowed on that contract as well, that was the Hudson team, and Council Member Keller stated that he was also going to tag the item.

Council Member Tatro stated that he wanted to thank Council Member Keller for digging into that and bringing it to their attention, that when they talked about what was qualified MWBE he had seen contracts thrown out because they had not met the MWBE qualifications and they saw a participant in that program who was substantially delinquent in taxes, that he wanted to call attention to the editorial that was in the Chronicle, that the editorial was done by two members of the Houston Hospitality Partnership and they continually cited the mis facts around the whole scoring system, that they first said the Four Families lost the competition to the HHP because they wanted to pay 27% less in rent than the winning bid, that was \$7 million less than City was going to get, that as he talked to other Council Members there was no \$7 million difference it was a wild projection or substantial projection by the administration and the consultant, that he wanted to continue to reiterate to people, that they continued to say that there was a real \$7 million difference and there was not, that if they wanted to lay a case for why they should be the number one they should do so, but to continually attack their opponent he found to be reprehensible, that they talked about HHP scoring the most points in the committee evaluation, no they did not and he thought that was very clear to everybody, that the committee forwarded the most points to 4 Families, it was the scoring process of the revenue only which gave the nod to the HHP, and continued to discuss the editorial until his time expired. Council Member Robinson absent.

Mayor Brown asked Mr. Vacar which team got the most points and Mr. Vacar stated that the most points were awarded to CA One. Council Member Robinson absent.

Council Member Vasquez stated that he thought that the letter that Council Member Keller mentioned was going to be delivered to his office should be delivered to all Council offices so they could see that it was resolved. Council Member Robinson absent.

Council Member Edwards stated that one of the parties in the contract was involved in a discrimination suit and asked Mr. Vacar for the information on how that suit was handled and what the rendering of the suit was and Mr. Vacar stated that if she could give him some details on what that was, because he was not sure they would have that in the department, and Council Member Edwards asked Mr. Hall if he had information on how she could get information on that, and Mayor Brown asked which one she was talking about so they could research it, and Council Member Edwards stated that she thought it was the Pappas Family and Mayor Brown stated they would do some research and see if they could find it for her. Council Member Robinson absent.

Mr. Vacar stated that they did put a tab in the book he distributed to Council, it was under Tab 5, the idea of whether the revenue was real or not, this particular tab simply took historic food and beverage sales at Hobby Airport and applied the relative percentages to existing known sales and the difference in the seven year period was about \$1.5 million real dollars between the two proposals, so these were not phony dollars, they were real dollars, and Mayor Brown stated

thank you to Mr. Vacar for clarifying that inaccurate information coming from Council Member Tatro.

Mayor Brown stated that Item No. 35 had been tagged.

38. ORDINANCE approving and authorizing amendment to contract between the City of Houston and **OTHON, INC** authorized by Ordinance 2002-837 – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0905 ADOPTED.
39. ORDINANCE approving and authorizing contract between the City of Houston and **SACHNOWITZ & CO.** for Marketing/Advertising Support Services for the Houston Airport System 3 years - \$1,800,000.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I – ALVARADO** – was presented, and tagged by Council Members Alvarado, Ellis, Vasquez and Sekula-Gibbs.
40. ORDINANCE appropriating \$154,500.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing amendment to interlocal agreement between the City of Houston and **FORT BEND COUNTY** for Construction of Chimney Rock Drive from West Fuqua to Beltway 8, CIP N-0665-02-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0906 ADOPTED.
41. ORDINANCE appropriating \$114,805.59 out of Water & Sewer System Consolidated Construction Fund and \$156,000.00 out of the Housing and Homeless Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **W & W ASSET MANAGEMENT, INC** for the Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section I of the Bellaire Villa Subdivision, CIP S-0800-72-03 and R-0800-72-03 - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0907 ADOPTED.
42. ORDINANCE appropriating \$99,307.76 out of Water & Sewer System Consolidated Construction Fund and \$153,000.00 out of the Housing and Homeless Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **W & W ASSET MANAGEMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section II of the Bellaire Villa Subdivision; CIP S-0800-73-03 and R-0800-73-03 - **DISTRICT F - ELLIS** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0908 ADOPTED.
45. ORDINANCE appropriating \$250,000.00 out of Street & Bridge Consolidated Construction Fund and \$250,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional services contract between the City of Houston and **ESOR CONSULTING ENGINEERS, INC** for On-Call Professional Surveying Services, CIP N-NA-0000-08-3, S-0019-18-3, R-0019-18-3 (SB9117), providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0909 ADOPTED.
46. ORDINANCE appropriating \$4,359,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.**

for Water Line Replacement in North Noble Area, GFS S-0035-70-3 (WA10586); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H- VASQUEZ** – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Goldberg absent. ORDINANCE 2002-0910 ADOPTED.

MATTERS HELD - NUMBERS 47 through 52A

47. 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 – (This was Item 10 on Agenda of September 18, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Goldberg stated that he noticed the item was actually in the CIP to be voted on and moved to postpone Item No. 47 until after approval of the CIP, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Parker out of the city on city business. MOTION 2002-1101 ADOPTED.

48. WRITTEN motion by Council Member Galloway to amend Item 48A below to add two board members - **TAGGED BY COUNCIL MEMBERS ROBINSON, PARKER AND SEKULA-GIBBS** – was presented, and Council Member Galloway withdrew the amendment.
- 48a. 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 – **(This was Item 14-1 on Agenda of September 18, 2002, TAGGED BY COUNCIL MEMBERS ROBINSON; PARKER and SEKULA-GIBBS)** – was presented.

Council Member Tatro stated that they saw recently sort of the same thing being done to the County in a different manner when Mr. Bettencourt and a County Judge started taking tax delinquent properties and flipping them over and going back to the private sector and this item was in a way the same sort of thing, that it took the tax delinquency properties and put them under an organization to develop, hopefully, low to moderate income housing and put more rooftops on the ground, that he supported the issue but the only concern he had was that in two or three years he would not like to see the cost of each individual home that went up, when it was all said and done, to be a quarter of a million dollars and selling for \$95,000 to \$100,000, so he hoped they would be very diligent in the expenditures, getting more dollars in bricks and sticks and less dollars in consultants and studies before they put houses on the ground.

Council Member Goldberg stated that he was also going to support the item and thought the creation of the authority was long overdue and thought it was probably one of the most cost effective things they would ever pass in any of their terms, that all they needed to do was create the authority and put the land back on the tax rolls and he wanted to commend the

administration for putting it forward.

Council Member Quan stated that he wanted to thank them both for expressing their support and concerns and invited them to come to the Housing Initiatives Committee meetings where they were discussing how they controlled that situation, that they were working with the Community Development Corporations to make sure that those organizations were given the first shot to help develop the property consistent with their mission.

Council Member Galloway stated that she was glad that her colleagues supported the item, that the location was going to be in the Third and Fifth Ward and they had many ditches and bad streets out there so she wanted to let her colleagues to know there were no libraries and the streets were certainly not in place, so they needed a lot of updated infrastructure in the areas where the delinquent properties were going to be located. Council Member Tatro absent.

A vote was called on Item No. 48a. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Tatro absent. ORDINANCE 2002-0911 ADOPTED.

49. 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 – (This was Item 21 on Agenda of September 18, 2002, TAGGED BY COUNCIL MEMBER TATRO and SEKULA-GIBBS) – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Tatro absent. ORDINANCE 2002-0912 ADOPTED.
50. 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 – (This was Item 22 on Agenda of September 18, 2002, TAGGED BY COUNCIL MEMBER KELLER and WISEMAN) – was presented. Council Member Tatro voting no, balance voting aye. Council Member Parker out of the city on city business. ORDINANCE 2002-0913 ADOPTED.
51. 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 – (This was Item 30 on Agenda of September 18, 2002, TAGGED BY COUNCIL MEMBER WISEMAN) – was presented. All voting aye. Nays none. Council Member Parker out of the city on city business. ORDINANCE 2002-0914 ADOPTED.
52. WRITTEN motion by Council Member Vasquez to amend Item 52A below as follows:
“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” – was presented.

Council Member Vasquez stated at the very end of the meeting last week, when he put the amendment on the table, Mr. Hall had asked for additional clarification and making sure this was about the proceeds of the contract and there was an update to that amendment circulating so he just wanted to clarify the amendment, that the italics was basically the discussion that he and

Mr. Hall had at the table making sure that the amendment covered the proceeds of the contract with the Houston Small Business Development Corporation and with that particular amendment he thought they would begin to address any issues or concerns that might be outstanding, that he knew there had been a lot of discussion back and forth and rather than having something very specific and micro manage the situation this particular amendment creates a situation where it must be dealt with within 30 days and allow the parties to negotiate that out as opposed to involving Council Members, so he would urge that it be passed and included with this particular agenda item, that it was a clarification:

Council Member Vasquez presented the following revised written motion:

"That the Ordinance approving and authorizing a contract between the City of Houston, Texas and Educational Productions in the Community, L.P., item 52 on the Agenda, be amended to renumber the existing section 4 as section 5 and to add a new section 4 that reads as follows:

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 *for the proceeds of the contract* with the Houston Small Business Development Corporation (HSBDC) in an appropriate amount to secure the loan extended to Epic Special Events, Inc. by HSBDC. (Italics identify City Attorney's additional language.)"

Council Member Ellis stated that he wanted to speak in favor of Council Member Vasquez amendment and thought it addressed some of the concerns of his colleagues and would encourage everybody to vote for it and vote for the main item as well.

Council Member Berry asked Council Member Vasquez what he was trying to achieve and why, and Council Member Vasquez stated that there had been some issues raised as to whether or not the current organization was actually meeting the financial concerns of the previous organization and what this particular amendment does was basically mandates that a condition of the contract between the City and the new organization include that the proceeds for this particular contract cover any debt or outstanding debt of the old contract to the Houston Small Business Development Corporation and therefore it would eliminate that issue as a factor in consideration.

Council Member Robinson asked that at the end of 30 days somebody report back to Council that the agreement had been consummated and if it had not what would be the appropriate step, that would be his request and asked what he had to do to get it done, and Mayor Brown asked Mr. Haines to make sure that happened.

Council Member Alvarado stated that she realized there was support for the item and appreciated the spirit of Council Member Vasquez's amendment in trying to make everybody comfortable and at ease with it, however she still had some concerns and was disappointed that they had not looked at trying to do it in house, especially during tough times and a tough budget, that they ought to be looking at ways to cut back and she felt that this was one program that they certainly could have looked at doing in house, in fact the administration took it out of the budget during the budget process and now it reappears, that it was put back in, so obviously at one point the administration felt like they could do away with it and implement other programs in house, that she also had concerns about the group's track record, there were many dates that were cancelled and some were cancelled at the last minute leaving some of the community groups hanging high and dry and asked if there were provisions in the contract that would address those issues, cancellation policy, and asked if anybody could answer that.

Ms. Jo Wigginton, Legal Department, stated that the contract actually reserved the last several payments that were contingent on those performances being held, it also had a different structure so that if an event was supposed to be held and was not the contractor had to pay back a certain amount of money, that if it was cancelled because of no fault of the contractor, if

there was a hurricane or flood or something, the contractor pays back \$8,500 per event, if it was cancelled for reasons that were within the contractors control, he pays back \$11,500, which was the total cost of producing the event, and Council Member Alvarado asked what happened to the at least a dozen dates that were cancelled during the last contract that was discussed at the budget meetings, and Ms. Wigginton stated that she believed it actually came out to 9 and what happened was that the contractor reduced the cost of this contract by the amount of those 9 events.

Council Member Edwards stated that she had some discomfort with the issue and asked who was responsible for compliance, for making sure the contract was carried out if it was passed by the Council, and Mayor Brown stated that it would be the Parks Department, Ms. Susan Christian.

A vote was called on Item No. 52. Council Member Alvarado voting no, balance voting aye. Council Member Parker out of the city on city business. MOTION 2002-1102 ADOPTED.

52a. 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 32 on Agenda of September 18, 2002, POSTPONED BY MOTION #2002-1074) – as amended was presented.

Council Member Tatro moved to refer Item No. 52a back to the administration, seconded by Council Member Alvarado.

Council Member Vasquez asked Council Member Tatro for his rationale and logic for referring it back, and Council Member Tatro stated that in times of budgetary constraint, he thought it was an amenity, a want rather than a need of a core City function and believed it was in a snapshot exactly the type of contract they should be discriminate in passing, that purely it was a budgetary issue, and Council Member Vasquez stated that he really respected Council Member Tatro standing on principal because he voted against the budget, even after it was passed, and saw that he was being consistent, even though he disagreed with him in the sense that it was a very popular program to the neighborhoods, that a lot of civic clubs and many community groups basically raise their entire annual budget by working at the EPIC special events and it was a form of community building as well, so he thought there was a lot of value to having them in the neighborhoods.

Council Member Ellis moved to call the question, seconded by Council Member Quan. All voting aye. Nays none. Council Member Parker out of the city on city business. MOTION 2002-1103 ADOPTED.

A roll call vote was called on Council Member Tatro's motion to refer Item No. 52a back to the administration.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting no
Council Member Tatro voting aye	Council Member Alvarado voting aye
Council Member Galloway voting no	Council Member Parker out of the City on city business
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting aye
Council Member Ellis voting no	Council Member Robinson voting no
Council Member Keller voting no	MOTION 2002-1104 FAILED

A vote was called on Item No. 52a as amended. Council Members Tatro, Alvarado and Berry voting no, balance voting aye. Council Member Parker out of the city on city business. ORDINANCE 2002-0915 ADOPTED.

Council Member Keller stated that he would release his tag of Item No. 7 as he had been satisfied with the information and appreciated Aviation getting it to him so thoroughly and quickly.

7. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$2,187,699.93 and acceptance of work on contract with **CONSTRUCTION LTD** for Interim Relocation Package at William P. Hobby Airport (HOU); Project 417H, CIP A-0141 - 04.98% over the original contract amount - **DISTRICT I – ALVARADO** – was again before Council. All voting aye. Nays none. Council Member Parker out of the city on city business. MOTION 2002-1105 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that on the HIV Task Force she wanted to make a kind of quasi report and encourage as many people to come to a press briefing they were having on Friday, September 27, 2002, in the Annex chamber, where they would be announcing the action program that was going to be put on ground and also the media strategy, that she also wanted to lift up at this time Fox 26 News, who were their media partner and were going to be featuring an HIV awareness spot on their 8:00 a.m. news starting in October, every first Friday, and then a full half hour they were giving to the program in February and she thought that was an awesome dedication and participation by the people at Channel 20 and Channel 26, that also the Parks and Recreation and Housing had been a strong partner in this and would have activities that were going to be activated on the ground in those facilities, so they were excited and encouraged them to come out and participate in the press briefing that was going to be held on Friday. Council Members Wiseman and Alvarado absent.

Council Member Edwards stated that she wanted to thank the participants of a townhall meeting in Missouri City last night at the Boys and Girls Club, and she wanted to thank Commissioner Grady Prestrige and Judge Joel Clauser for helping them put it together, that it was around the 911 incident, the tragic death of the baby that died a couple of months ago, that they had an audience of about 50 people and one of the things that came out of it was, that she thought, there needed to be further education of the dispatchers and she would like to speak with the dispatchers from HPD and HFD to see how they handle the case, that they did not have any representation from them last night, but they did have the 911 people and she thought they were very clear and thought they identified one problem, that she wanted to thank the people in the Fort Bend area and also Commissioner Prestige and Judge Clauser for their support. Council Members Goldberg, Alvarado and Robinson absent.

Council Member Edwards stated that they had an awesome meeting at Saint Mary's United Methodist Church with Foster Place Civic Club No. 1 on Sunday afternoon, they had about 60 people, there was a very contentious matter about a halfway house that was looking to come to the community and it was settled and came to an agreement on how they could both meet the need for a halfway house and also meet the concerns of the citizens, that she wanted to applaud Saint Mary's United Methodist Church and also Foster Place Civic Club No. 1 for their interest, commitment and service for the community. Council Members Goldberg, Alvarado and Robinson absent.

Mayor Brown stated they would have someone from the police and fire dispatch meet with her. Council Members Goldberg, Alvarado and Robinson absent.

Council Member Vasquez stated that he wanted to discuss the Neighborhood to Standards and the Neighborhood Street Reconstruction Program, that this past Monday at the joint Fiscal Affairs and TTI Committee they discussed the CIP, but as they may recall during the budget process, Public Works announced that they would be doing Neighborhood to Standards overlays almost exclusively and in house as opposed to contracting them out, as had been done in the

past, that given that the Right-of-Way Maintenance crews that did the overlays were already working literally everyday to keep up with the 311 generated overlay request, he was concerned that the Neighborhood to Standard overlays were going to be neglected and now on top of that they were learning, through the CIP, that they were going to push off the Neighborhood to Street Reconstruction Projects to the tail end of the six years, that it led him to believe that the end result was that they were going to be doing less work in the neighborhoods, less overlay miles and less reconstruction miles and would like to meet with representatives of the administration and Public Works to find out very specifically how it was going to be managed and how the neighborhoods were going to be taken care of, that he made the request during the Fiscal Affairs meeting and there had been no follow up at this point and time but would like to have a scheduled meeting, where they would discuss it, that he preferred for it to be a public committee meeting as well, but was just concerned that they were pushing off the neighborhood overlays and neighborhood reconstruction at a time when most neighborhoods were demanding that in terms of improving the neighborhoods. Council Members Tatro, Goldberg, Alvarado and Robinson absent.

Council Member Vasquez stated that he was still disturbed by yesterday's presentation of the Black Firefighters regarding the disparity in minorities at the top levels of the Houston Fire Department and while he recognized that the particular problem had not occurred overnight he did not, as he stated yesterday, agree that the strategy or the solution to it was to fire Chief Connealy, he thought that their comments yesterday indicated that the problems were at the academy and the problem was in the Review Board and would encourage the chief to begin to develop some strategies to address that so as to open the process and provide more opportunities, and at the same time he thought that any type of strategy that the chief engaged in, would at some point and time, may require a Council vote, so he would encourage Council Members to stay on top of the issue and if and when the time came for them to vote on a strategy or a tactic to change the disparity and to allow for more opportunities in the upper ranks of the administration of the Fire Department, that they take the risk and fight off the urge to maintain the status quo, that it would not be an easy thing because he thought that the union and others would be opposed to it, but he thought the numbers spoke for themselves and thought the numbers were convincing without any additional rhetoric, but what was at stake now was how they solved the problem, so he would encourage the chief to take action at the Review Board and the Training Academy and looked forward to Council Member Edwards committee when it came up for discussion because he did think there was a problem. Council Members Tatro, Goldberg, Alvarado and Robinson absent.

Council Member Vasquez stated that many of the Council Members knew that the Regional Planning Committee's monthly meeting would be on Thursday, they were starting at 9:30 a.m. as opposed to 10:00 a.m. and would be discussing the retail RFP for Hobby Airport, that he had previously asked in committee for information of a legal nature and Mr. Hall had committed to provide that information last Tuesday and they had yet to hear from him, the committee members and the committee itself, and asked Mr. Hall if the Legal Department intended to bring up any legal bases for opposing the posting, and Mr. Hall stated that it did not and whether or not they conducted the thing pursuant to the agreement they had with the Mayor was another question, but he did not have any problem with the posting; that as to the other questions that were raised in committee, they were presently preparing those and hopefully would have them ready. Council Members Tatro, Goldberg, Alvarado and Robinson absent.

Council Member Keller stated that recently they may have heard on the news that the West Nile Virus struck an eleven year old at Grady Middle School in District G at San Felipe and Sage and what he would also like for everyone to know was that there was a large property adjacent to the school and the school grounds, that it was also a City park and it was a highly populated City park and he would hope that he could get some feedback as to the request that Council Member Vasquez made three or four weeks ago as far as what they were doing to work with the County on the spraying to combat the West Nile Virus, that if someone could let him know, in addition to Council Member Vasquez, at this point, what was the status of Council Member Vasquez

request as to their involvement with Harris County in spraying in Harris County and the City of Houston, and Mayor Brown stated they would get that for him. Council Members Tatro, Goldberg and Robinson absent.

Council Member Sekula-Gibbs stated that she had passed out a red and white folder with a red star on it that was from the League of Women Voters and the Harwood Institute, that it basically talked about political conduct, both from the politician standpoint as well as the news media and voter standpoint, that it was an interesting concept and was basically asking all three groups to be responsible and to take their behavior seriously and to not make vicious attacks against each other and read from the handout. Council Members Goldberg, Keller and Robinson absent.

Council Member Sekula-Gibbs stated that she was a little bit concerned and had some deep concerns about Council Member Edwards HIV Task Force, her concern was that in spite of the issues of inclusiveness that they were trying to work on that there was nothing addressing the needs of the Hispanic Community in it, and she did not know if Council Member Edwards was just doing that because the numbers right now reflected the HIV rates highest in the African American Community, which they were, or if there was something else, but she would just like to say that the Hispanic Community was on the threshold of an epidemic explosion and even though the testing may not be there to show, but just because the rates were not there yet it may that they were not testing enough in the Hispanic Community, because across the Country there was great fear that there was an epidemic of AIDS boiling in the Hispanic Community and stated that she just wanted to call that to her attention and asked that the community be included in the efforts of her HIV Task Force as well as any other minority or group. Council Members Goldberg, Keller, Vasquez and Robinson absent.

Council Member Edwards stated that first of all the task force was initiated in 1999 by the Mayor and City Council to address the emerging epidemic in the African American Community in particular and if Council Member Sekula-Gibbs would remember when they first reconvened the task force they asked the Latino Community to become involved with it and they decided that they wanted to have a special unit or cultural nuances that they wanted to address on their own, that they were working with the Hispanic Community and did have Hispanic Groups and ALMA was a part of the task force and she was welcome to attend the task force meeting so she would know what was going on, that they did know the facts of the Latino Community epidemic and they had them participating with them in the process, that AIDS Foundation, Montrose Clinic, Ryan White and ALMA, all the groups were there, and what they were focusing on was the epidemic in the African American Communities as mandated by the state of emergency that was designated by the Council in 1999, it was not her designation, it was a mandate from the City that she had been given the responsibility to carry out, that any and all Council Members were invited, any and all racial groups were invited to participate, they had Blacks, Whites, Hispanics, males, females, Gays, Straights, Bisexual and trans genders working with them in the effort, so it was not an exclusive club, it was a group of people trying to work on a particular problem in their community and hopefully it would set a model for any groups that were having problems in their communities regarding public health issues. Council Members Vasquez and Robinson absent.

Council Member Sekula-Gibbs stated that she appreciated everything that Council Member Edwards stated but she would also say that there were many in the Hispanic Community who did not share that assessment of inclusiveness and they had come to her and said that they did not feel as welcome as Council Member Edwards might think that she had made them feel and that was all she was saying, and Council Member Edwards stated that was what she needed to say because they had sent the invitation to them and she could not speak for everything else other than that, that they met every Friday at the Stadium building of the Health Center and anyone and everyone was welcome to be there. Council Member Vasquez absent.

Mayor Brown stated that he had been to the meetings and participants were inclusive and represented the entire City. Council Member Vasquez absent.

Council Member Ellis stated that he had some complaints in his office and as everybody knew that during the budget process they approved additional garbage cans and an additional garbage can fee, which he agreed with, that if he used more water than his neighbor than his office bill would be more expensive and thought that was the theory they were using when they passed the \$7.50 per month expense for an additional garbage can, but what was going on now in Solid Waste concerned him, they sent out a notice that stated that the City of Houston Add a Can and Tags for Bags Program and they clearly stated that if they liked an additional can they could call 311 and request it and they would deliver it with a tag on it and so forth and they would be charged \$7.50, that in his neighborhood there were some individuals that already had some additional cans, and in one case the individual called in and told 311 that they wanted to keep their additional garbage can, well the Solid Waste Department came out and took all of the cans and they were starting to collect the second can because they did not have stickers, and they clearly stated that they had until October 1, 2002, so he was curious if there was not some mix up in Solid Waste and why they were going out and taking the cans prior to October 1, 2002, and he would also encourage Solid Waste to give them a grace period at the very least, he thought they were wasting taxpayers dollars by having the manpower go out and pick them up and then have to come back and deliver them, so he would request that they address the issue, and Mayor Brown stated they would check into it and report back to him immediately.

Council Member Goldberg stated that was also a problem in District C where people not only wanted the second can, but had already tried to send in the money or pay for it and there was no mechanism where they were collecting the money, so he would agree.

Council Member Goldberg stated that he would like to recognize the Houston Chapter of the American Red Cross, that during the military effort in Afghanistan all of the Red Cross Chapters across the Country were asked to get together support packages of food, clothing and small items and the Houston Chapter collected and distributed more support packages than any other chapter in the entire Country, so they were to be commended for that.

Council Member Goldberg stated that something that had been brought up in the past by Council Member Sekula-Gibbs was a lot of the frivolous ambulance calls and one way that they may be able to put a dent in that was to get together a program with the Red Cross who had the mobilization and vehicles and where there was a call where someone just did not have a car to get to the hospital, and all they needed was a vehicle or transportation, maybe the Red Cross could assist them instead of their sending an ambulance there and tying up the Fire Department, if they could sort of institute a program like that, and Mayor Brown stated they had meeting with the Red Cross right now pursuing that, in fact they used to receive monies from the County to perform that service and the County cut that program out and he thought that caused a real increase in the City's ambulance runs, there seemed to be some cause and effect when they cut it out, their runs went up considerably, that he had a meeting with the chairman and the director and they were pursuing that, and Council Member Sekula-Gibbs stated that was part of the pilot that was approved on the budget last summer and it was a very important part of the effort to reduce the 911 calls that were necessary but they did not necessarily have to go to an emergency room, that they could take patients to various destinations, clinics, pharmacies and local doctor's offices.

Council Member Wiseman stated that she wanted to acknowledge and give a big hearty congratulations to one of their own Houston born and breed boys, that Mr. T. Sean Shannon received a Emmy as part of the Saturday Night Live writing team, they received an Emmy for writing for a variety, music or comedy program, that Mr. Shannon was raised in the Sagemont area, that it was the area of District E and she was proud of that and was proud to be able to call him a friend as well, so she wanted to extend her congratulations to Mr. Shannon and his family.

Council Member Galloway stated that she was so excited, her war zone building on Lyons Avenue was being disposed of, that it was being torn down and she was so excited when she

got the news yesterday that they had started tearing down that building that was on the front page of the Chronicle, that was on most of the television stations about the deplorable conditions in District B and she saw right now that they were making progress and getting rid of those dangerous buildings, that she wanted to thank the Mayor and his administration for pursuing it and taking care of it. Council Member Wiseman absent.

Council Member Robinson stated that he was not going to re-fight the garbage can issue, but was glad that the man wrote to him, that he tried to tell them, that he did not know there was a standard on how much garbage they could produce and he did not think they adequately considered the difference between a single and multi family and who was going to be responsible for the Soviet era style of going in and evaluating how many people lived in a house before they said they had to have a second garbage can, that he thought that was one of the dumbest ideas they ever engaged in.

Council Member Robinson stated that as they go through the pilot project on the Red Cross idea for ambulance runs, he would hope they would look at the liability issue in terms of who decides where the patient goes, was it the person who calls, were they going to be the person that tells them they did not want to go to an emergency room and they wanted to go to a clinic or someplace else, that it did not bother him if they made the decision, he would be concerned just from a pure liability standpoint, that he did not know if that had been a part of the discussion but hoped it would be.

Council Member Robinson stated that he sent the Mayor a memo, now that they were talking about the CIP and hoped they would have some kind of in depth briefing on what was going on with their water and sewer rates, whether they were going to have a fee increase and what it was or if they were going to have none and he would hope they could have that prior to any discussion about a drainage fee because he thought they would end up with a whole lot more memos from people if they did not talk to them about what they were going to do on their water rate and they saw the \$7.50 for the second garbage can and then they see the drainage fee and then they add a third item to that water bill increase, so he would like to know what all the moving parts were going to be beyond the \$7.50 for the second garbage fee.

Council Member Robinson stated that he was going to be talking about and understood the administration was looking into that and that was the health care issue, that he talked to Ms. Linda Tidwell, who was present yesterday, and read the following letter from Ms. Tidwell:

“Six weeks ago I found out I have cancer. I cried that day! I cried because I want to have a few more years with my husband and I want one day to see my only child get married and have my grandchildren. But I must tell you my greatest grief has not come from the news of having cancer, but the helpless feelings I have when dealing with HMO BLUE.

I was *diagnosed* with uterine cancer. My doctor recommended that I go to see a Baylor Oncologist at the Medical Center. I made an appointment, but before I could get to his office I was informed I could not use this doctor unless I changed my network of doctors. I made the change and went to see the Oncologist. He (the Oncologist) scheduled surgery for the 27th of September at Methodist Hospital Before surgery he made an appointment for me to go and see an Internist that he uses to do pre-operative care and test. This internist called and informed me that I would not be able to use him because he and all other Baylor doctors had just dropped HMO BLUE. I was upset when I called my Oncologist with this news. They informed me that this happens on occasion and they gave me a clinic to call and I did. But to my horror all of these doctors had dropped the HMO BLUE coverage. This was a clinic of 34 Internist and not one of these physicians took our insurance. I panicked, I called HMO BLUE and talked with Kristi, Carolyn, Jackie, Andrea, Sheranda, Maria and many other representatives. All were sympathetic and all were helpful in trying to locate another Internist. They gave me a list of Internist to contact, but when I called these offices none of these physicians took HMO BLUE. I called the City Of Houston Representative (Maria) and she gave me the names of two Internists that were near

my home and on my plan. She assured me that I would be able to use these two doctors. I called both and neither was accepting HMO BLUE.

I called my Oncologist and they referred me back to my Primary Care Physician. This doctor was a stranger to me and knew nothing about my case. Remember I had to change Primary Care Physicians when I wanted to use my Oncologist. He gave me a checkup, but before leaving his office I was informed that after November 25th he and the other doctors at the clinic would no longer take HMO BLUE.

My husband was a Houston Firefighter for over 27 years. He loved his job and was proud to serve his community. We knew that when he retired that our insurance would go up and it did. It went up as did all the co-pays, but our choices of physicians and health care facilities have diminished. We cannot use Hermann Hospital or University Of Texas doctors. We can use Methodist Hospital, but all Baylor doctors have dropped our insurance. In other words if my cancer is advanced and I want to use M.D. Anderson Hospital I will be denied privileges. HMO BLUE does not provide payment to a University Of Texas facility. I was told by a Blue Cross employee that M.D. Anderson would be the last cancer hospital our insurance company would pay.

On September 11th we remembered those firefighters and policeman who sacrificed their lives to serve others. Is poor medical coverage the way we honor our own Houston policeman and firefighters? My husband has poor lungs and heart because of the smoke inhaled while serving this city. He had by-pass surgery with complications and now he has lost his Cardiologist, because Blue Cross and Hermann could not reach an agreement.

What a travesty! People from all over the world come to our Medical Center for quality care, but our own Houston policeman and firefighters are relegated to rural clinics. Rural clinics are also dropping HMO BLUE. As stated before my own doctor and all doctors at his clinic, and the Woodlands, will no longer carry HMO BLUE.

I know the debate over health insurance programs is an on going topic, how the problems will be decided is unclear. But while the issue is being hashed and rehashed all city employees are being denied adequate care. Please give us a choice as to how we want our health managed, because the insurance that we have now is like having no insurance at all. Perhaps for some of us that will mean a higher premium, but please give us other options. This program, as it is, is not working. Please help us."

Council Member Robinson stated that he hoped they hear her and that they do something to help and lets not just say we are stuck in the HMO Blue model and that was the only options available to the, that they heard it again from this woman, the City employees were willing to pay more, but they did not want to pay more for what they had, because what they had was nothing. Council Member Wiseman absent.

Council Member Galloway stated that her doctor sent her a certified letter stating that she no longer accepts HMO Blue so it was really a major travesty that they were having with HMO Blue, and Council Member Sekula-Gibbs stated that she sent a memo to Mr. Hall requesting that he send a formal complaint on behalf of the City of Houston employees to the Texas Department of Insurance regarding the widespread abandonment of their patients and employees by the physicians and the hospitals, and Mayor Brown stated that they were working on it, that he understood the problem as well as anyone, it impacted him, her and everyone else and asked Mr. Haines to give them a quick update on what they were doing, and Mr. Hall stated that he would help her with it, that was what her memo said, that the letter she sent was consistent with their discussion at Council, that it would be inappropriate for him to write a letter of complaint, that she should do it and if she wanted them to help her then they would, that the only group that could speak for the City was the City Council. Council Member Wiseman absent.

Mr. Haines stated that the two issues were first the contract with HMO Blue, that they did make a presentation to a committee of Council, their process at this point was to begin to explore alternatives, that he had some meetings scheduled and had been talking to at least two or three Council Members on looking at another alternative, those alternatives, he must caution Council, were going to take some time, but they were pursuing it and believed what they were going to have to do was get outside the proverbial box of traditional health care to make it work, so they were proceeding with some meetings with health care providers, and Mayor Brown stated that they should continue to work on it expeditiously. Council Member Wiseman absent.

There being no further business before Council, the City Council adjourned at 10:35 a.m. upon MOTION by Council Member Robinson, seconded by Council Member Tatro. All voting aye. Nays none. Council Member Parker out of the city on city business. Council Member Wiseman absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary