

City Council Chamber, City Hall, Tuesday, October 1, 2002.

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

At 2:01 Mayor Pro Tem Quan stated that they had several proclamations and would get started with one, that this coming Friday was a special day in Houston, the Citywide Youth City Participation Day, that there had been great concern about the participation of young people in the electoral process and there was a goal by the ACORN Youth Vote Coalition, a nonprofit organization to increase participation among young people and to register 5,000 new voters in Harris County, that they were going to culminate their efforts with a day long program at the George R. Brown Convention Center and wanted to recognize them and to present a proclamation and invited the ACORN Youth Vote Coalition to stand and be recognized and presented a proclamation that stated that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed Friday, October 4, 2002, as Citywide Youth Civic Participation Day in Houston, Texas. Mayor Brown, Council Members Tatro, Galloway, Keller, Vasquez, Alvarado and Berry absent.

Mayor Brown stated that he would like to make a presentation and invited General James Bison, Lieutenant Dwayne Hale, Lieutenant Mark Grommand and Houston Airport System Deputy Director Mr. Mark Mancuso and Ms. Meg Lanero to join him at the podium and stated that on September 25, 2001 the President announced his plan to provide for the security of the Nation's airports by requesting the governors to utilize the National Guard, that the Texas Army National Guard immediately responded by recruiting, processing, training and deploying the troops to 26 airports throughout Texas, that he wanted to recognize the men and women of the Texas Army National Guard for their service in securing Houston's airports following the September 11, 2002 terrorists attacks, indeed he thought most people appreciated their presence, and their mere presence instilled a sense of reassurance and renewed confidence in air travel, to that end he wanted to present a proclamation that proclaimed that Lee P. Brown, Mayor of the City of Houston, hereby proclaimed Tuesday, October 1, 2002, as Texas Army National Guard Day in Houston, Texas. Council Members Tatro, Galloway, Keller, Vasquez, Quan and Berry absent.

General Bison stated that it was an honor for him to accept the proclamation on behalf of the Texas Army National Guard and the Task Force Conference soldiers, that he would also like to recognize the General Officer who had part of that mission, Brigadier General Dan Densferd, who was a Houston resident and would assume command of the 71st Troop Command, this weekend, which was a two star command, that he also wanted to recognize all of the soldiers that served in the Task Force Conference who were present and asked that they stand and be recognized, that those present were a small number of the 500 to 600 plus soldiers that volunteered for the mission, that they carried out their mission in a manner reminiscent of America's Minute Men, that after being notified of the mission they were in the airports within about four or five days and believed that they accomplished the mission successfully, they diverted terrorism and they restored the general public's confidence in flying, and presented military coins that they gave to soldiers for truly outstanding service to Mayor Brown, Mr. Mancuso and Ms. Lanero. Council Members Tatro, Galloway, Goldberg, Keller, Vasquez, Quan and Berry absent.

Mayor Brown stated that the next presentation would be by Council Member Goldberg. Council Members Tatro, Galloway, Keller, Vasquez, Quan and Berry Absent.

Council Member Goldberg stated that he was fortunate enough to have a number of television stations in his district and Channel 26 was just one of them and invited a number of people from that station to the podium, the Vice President and General Manager, D'Artadnan Bebel, Mike Barajas, Taslin Alfonzo, Lisa Whitlock, Alicia Alaniz, Harry Johnson and Alex Luster, that the reason they were present was because they had quite a historic event happen and they were going to honor it with a proclamation and read part of the proclamation that stated that the tragic events of September 11, 2001 touched their Country and the Houston community in a profound way, in the spirit of inclusiveness and with the objective to reach the entire community with news and information concerning the anniversary KRIV, Channel 26, took a historic and bold move, at 3:30 p.m. on September 11, 2002, Fox 26 News provided an hour long Spanish language newscast for Hispanic viewers, from 3:30 p.m. to 4:30 p.m. Mike Barajas and the morning news anchor Taslin Alfonzo, both native Spanish speakers, delivered the very latest and live coverage of the days events, and read a proclamation that stated that the City of Houston commended and congratulated Fox 26 in its effort to reach out to all Houstonians, therefore, Lee P. Brown, Mayor of the City of Houston, hereby proclaimed Tuesday, October 1, 2002, as Historic Spanish Language Broadcast Fox 26 September 11th Spanish Newscast Day in Houston, Texas. Council Members Tatro, Keller and Quan absent.

Mr. Bable stated that to say the events of September 11, 2001 was a tragedy was an understatement, whether or not they were directly affected, that they were all affected in some way and a part of their philosophy of wanting to do the coverage on that day was to be as inclusive as possible, because all of their lives as Americans and Houstonians had been changed forever, that on behalf of the employees of Fox 26 they thanked the Mayor and City Council for their appreciation. Council Members Tatro and Quan absent.

Council Member Robinson stated that he wanted to thank Fox 26, that in the latest issue of Texas Monthly Magazine there was a little article that talked about the fact that Steve Murdock, the State's official demographer, had gone through the Census and made some projections about the changing nature of diversity in the State and the fact that Hispanic's would be the vast majority of Texans in around 2040 and this morning they had in the Houston Chronicle the continuing annual Houston survey about the growth in the Asian population and when they looked at those two things for Fox 26 to have the courage to do what they did and to be ahead of their time it said about the kind of people they had at that station and the reality and realization that they had in Houston from their leadership that they were the kind of place that had to recognize and encompass their diversity and it would only make them stronger. Council Members Tatro, Ellis Sekula-Gibbs and Quan absent.

Council Member Edwards stated that 2012 may not have recognized the world class City that they were but she was glad that Fox 26 knew and had taken the initiative to do what was necessary, that it was indicative of the work that they did on a day to day basis, that Fox 26 had also stepped up to the plate regarding the HIV initiatives that the Health Department was putting forth and had given them awesome amount of time on their programming to get the word out to the entire community about the challenges and situations they had around health issues in the City. Council Members Tatro, Ellis, Sekula-Gibbs and Quan absent.

Mayor Brown stated that the next presentation was by Council Members Ellis, Sekula-Gibbs and Goldberg. Council Members Tatro and Quan absent.

Council Member Sekula-Gibbs stated that it was their pleasure to help celebrate the winners of a bicycle safety contest that was held at three elementary schools, Cunningham, Benavides and Sylvan Rodriguez Elementary Schools, that this was the first time that they had a bicycle safety contest that was going to be so celebrated, that the winner would have her poster placed by Clear Channel Communication as a billboard, that Ms. Nyali Cabrera, who was the first place winner, was present, that every Council Member had a miniature billboard at their seat of the poster, and invited Ms. Nyali to the podium to tell them what her poster said, and Ms. Cabrera recited in Spanish what the poster said, and Council Member Sekula-Gibbs presented

a certificate of honor to Ms. Cabrera, and stated that the second place winner was Sayed Lopez, from Sylvan Rodriguez Elementary, and Council Member Goldberg invited Mr. Johnathan Moncada, from Sylvan Rodriguez Elementary to the podium, and Council Member Ellis stated that he wanted to recognize the sponsors who put the art contest together, that Schwin donated the bicycles, they also had contributions from Sweet Tomatoes, the Sylvan Rodriguez Foundation and Clear Channel Outdoors, who would be donating the billboard that would be placed in the Gulfton area, that it was a unique project from the standpoint that in the Gulfton area there were about 75 different languages that were spoken in that area so he thought that an art contest and a picture spoke a thousands words to all the children within that area, that he would also like to thank the Houston Police Department as well. Council Members Tatro, Quan and Robinson absent.

At 2:26 Mayor Brown called to order the meeting of the City Council and Council Member Ellis led everyone in prayer and pledge of allegiance. Council Members Tatro, Berry and Robinson absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Tatro, Berry and Robinson absent.

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

Council Member Galloway moved to suspend the rules to hear Mr. Richard Hilzendager, Ms. Judy Hollinger and Mr. Ross Allyn out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Berry and Robinson absent. MOTION 2002-1106 ADOPTED.

Mayor Brown recognized Council Member Parker for a point of personal privilege and Council Member Parker stated that she would like to announce the passing of long time City employee Nick Demeris, who was a member of the City Legal Department in his second career for nearly 30 years, that his service would be on Wednesday morning at 10:30 a.m. at Annunciation Greek Orthodox Cathedral, that he gave many years of dedicated service to the City of Houston and Mayor Brown asked for a moment of silence in his honor. Council Members Tatro, Berry and Robinson absent.

Mr. Richard Hilzendager, 7380 Moline Street, Houston, Texas 77087 (713-643-9239) appeared and voiced his personal religious opinions regarding President Bush and a cease fire on the world and the feeding of homeless people until his time expired. Council Member Tatro absent.

Ms. Judy Hollinger, 2124 Watts, Houston, Texas 77036 (713-665-4458) appeared and stated that she was President of the Houston Area League of Women Voters, that she was present to talk about the New Patriotism Project, that the New Patriotism Project was one of the programs begun by the Baltimore based Harwood Institute, a nonprofit, non partisan foundation which celebrated the unique qualities of the American Democratic process and worked to find ways to invigorate their political life, that Houston was one of the seven cities in the Country chosen by the Harwood Foundation to implement the project and the Local League of Woman Voters was the lead organization for the project in the Houston area, that the new patriotism project worked to emphasize the positive aspects of the political process and to encourage all of them to examine their political conduct and see how they could improve it, that three groups of people were targeted, political leaders, media and citizens, that the object was for all of them, individually and collectively, to hold up a mirror to see how they were conducting themselves in the political arena, to see if they liked what they saw in the reflection and if not to set goals for themselves and work towards them, that they did not believe that campaigns had to be dirty, that candidates could not address the issues, that the news media could not report about the issues or that voters did not want to hear about the issues, after all issues were what they as Council

Members worked on every time they voted on an ordinance, resolution or attended a committee meeting, that those issues were the things that affected their lives everyday, how often their garbage would be picked up, when would their streets be repaired, would they declare war on Iraq, those were real events affecting their everyday lives, not academic discussions on hypothetical situations, that they believed that citizens needed to inform themselves before they voted, that the candidates and the media needed to help by focusing on issues and telling them what the candidates positions were and why, that the Houston effort for the project began in May 2002 with an all day forum for about 30 community leaders and continued through the summer with a smaller committee which began mapping out a plan for improving political conduct in their community, that last week two forums were held, one for the media and one for the public, Richard Harwood, President of the Harwood Foundation facilitated both meetings and discussion was lively at both, that the next meeting would be a debate watch of the October 19, 2002 televised gubernatorial debates on Channel 11, that a group of about 20 local voters would observe the debate and score it according to the New Patriotism's barometer of political conduct, that the scoring would be based on how the candidates addressed the issues and informed the voters, not a commentary on the quality of their clothes or makeup, subsequent events were planned and they invited them to become a part of the effort, that they had a declaration of responsibility which many individuals had already signed and would like to pass it around to the Council Members and encourage them to sign it and return it to them, that they would like for each of them to join with them in this effort and they solicit their suggestions, they believe America could do better and certainly believed that Houston could be one of the leading lights in the campaign to improve political conduct. Council Member Tatro absent.

Upon questions by Council Members, Ms. Hollinger stated that the Ethics Fair Campaign Practices Committee hearing was the second week of October, that their voters guide would be available in mid October, that it was a non partisan guide, that everything the league did was non partisan, that this was a community driven project and what they would do would depend on the people who participate in it, that the debate watch on October 9, 2002, would certainly score how the candidates conduct the debate, that in terms of what happens after that they would have to see how the whole thing unfolds, that was one reason they were soliciting their participation and would love to have them help with it. Council Member Tatro absent.

Mr. Ross Allyn, 202 Travis, Houston, Texas 77002 (713-861-0722) appeared and stated that he represented IMS, a consortium of approximately 61 tow companies in Houston, that he was present to talk about the Wrecker Ordinance that many of the Council Members passed and he appreciated that, that in the last week after hearing the last public speaker that they had and watching the media last night one would assume that the Wrecker Ordinance was not working, that he was present to tell them it was working and also to tell them how to get the message out to their constituents and how it could more effectively work, that first they would address what happened in the media last night, that it was his understanding that HPD had filed charges against the first tow truck driver for falsifying a government document, that could only happen because they passed the ordinance that they did do, the way that it probably happened was that there was an accident scene, the officers were there and the individual, the woman, decided to negotiate the tow with the tow truck driver, that being passed around to each Council Member was the very first document that the officer would fill out and the next one was the one that at the scene was the individual that they chose to negotiate and then it became a consent tow, at that point it became a consent tow and then they have the officer sign the tow ticket and it becomes a government document, but once it became a consent tow all of those rights and protections of the ordinance that they passed simply were removed from the individual, that his concern was that Susan Poole spoke to the media last night and suggested that citizens negotiate at the scene of the accident, that she was supposedly speaking for the wrecker industry, that the wrecker industry that he represented and helped with the ordinance encouraged all citizens at a police accident scene to not negotiate with the tow truck driver, to simply give it to the officer and let the officer decide, at that point all of the rights of the ordinance would kick in, the tow would be \$81, they would go to a police authorized storage lot, the storage would be \$15 per day and it would be insured, all those protections that the City Council wanted to give to the citizens would

come into force and effect, but the only way it could happen was that the citizen must say at a police scene, "officer you decide", at that point the officer would fill out the document and sign it, that HPD encouraged them to do that also and he could not thank HPD and auto dealers enough, they took the task on and had done very well with it and they were trying to implement it, but simply they needed to get the message out there so it had to be a media campaign, that his guys were ready and willing to fund the printing of a message, a simple card, and were going to work with HPD and Council Member Ellis's office, maybe Council Member Parker office and the Mayor's office, they needed to work with them, that he had just talked with Mr. Lee Vela, Clear Channel, and they were willing to work with some sort of campaign, but the message was to all of their constituents to simply let the officer decide. Council Members Tatro and Galloway absent.

Upon questions by Council Member Ellis, Mr. Allyn stated that if they went to the second page of his handout, that particular document was when it became a non consent tow, that it was his understanding that the tow truck driver was certified, and the citizen said she wanted it to go to her private home, that she wanted to take control of where the car went and wanted to negotiate the rate. Council Members Tatro, Galloway and Vasquez absent.

Council Member Sekula-Gibbs stated that her question was the language, the consent versus the non consent, that people thought that if they had consent that they were in control, therefore it was probably going to work out better for them so the language skewed the population to want to go to a consent tow when actually it was counter intuitive, that they would have more protections if they went for a non consent tow, that she disagreed with the language and thought that it would be very helpful if they would change the language to a regulated tow and non regulated tow and asked Council Member Ellis if they could do that, and Council Member Ellis stated that he thought it did make sense and asked Mr. Bibler if there would be any problem with that or if conflicted with any State statutes. Council Members Galloway and Vasquez absent.

Mr. Bibler stated that the language, consent versus non consent, was used not only in the federal law but in the State law, so they might add even more confusion if they tried to have their own meanings for different words, that he did not know what the forms were that had been passed to Council Members, they did not coincide with the forms he thought they were using, that they should be a Houston Police Department slip that was used for non consent tows, which may be the second document, but what was not clearly denominated was that there would be another type of slip that would be used for consent two, that he was not familiar with the documents, but they did not have a title on them that would correspondence to the documents that he would expect to see. Council Members Galloway and Vasquez.

Council Member Ellis moved to suspend the rules to hear from Lieutenant Durden, HPD, at this time, seconded by Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway and Vasquez absent.

Lieutenant Durden stated that was with HPD and was the person responsible for the daily enforcement of the ordinance, that he would like to clear up the one question, that if it was an owner consent tow they used an entirely different form so it would not be necessary to make that indication on the police tow slip, that they would not have any objection to put at the top of the Police Department form that this was a City regulated tow, only that they clear it with the Legal Department. Council Members Galloway and Vasquez absent.

Council Member Edwards stated that Mr. Allyn had mentioned that they had talked earlier about their putting together a little handout that they could circulate through the civic clubs and asked if that was still doable and how could they get it started, and Mr. Allyn stated that it was very doable and he would work with their group and pass it by HPD and Legal, that he thought that just a one pager, just real simple, that simply said if they let the officer decide they would get

all the protections, that if they negotiated they were on their own, and Council Member Ellis stated that he would initiate that process. Council Members Galloway and Vasquez absent.

Mr. Kenneth James, 2131 Green Oaks, Kingwood, Texas 77345 (713-819-8192) appeared and stated that he was a principal in his family's business, Latrell's Management Corporation, that they owned 23 restaurants and had 650 employees, were based in Houston and were Houstonians, that he was present as a principal and partner in the 4 Families, one of the two companies competing for the Food and Beverage at Hobby Airport, that the whole thing was actually his idea, he called people who he considered some of the top restaurateurs in the City and said they needed to do this for the City, that it was their airport and they were Houstonians and they could do it, they served their City and had a passion for the industry, that he served on the board of the National Restaurant Association, they had a passion for food, that he was a food guy and was in the restaurant, that was all he did, but he was not present to talk about food today, that it was not about food, that the selection committee already talked about food, that the selection committee told them that 4 Families had the best food, the best concepts, the best theme development, the best operations, the best management and the best marketing plan for the airport, that was what the selection committee told them so they did not have to talk about food today, that Mr. Vacar was hanging his hat on rent, even though it was totally countered to the RFP, the document that they trusted when they responded with their document, but the selection committee also told them that when they looked at that projected rent number, CA One projected it but did not give them the means to get there, because everything that gets them there 4 Families won, that every criteria that gets them to the rent number 4 Families won, that they gave them the number without the means to get there and that was why he was talking about process today, that they responded to the document (RFP) because they trusted the document, that was why they won, they scored higher with 5 of 7 judges and 60% of the criteria went to 4 Families and he displayed a book and said that the book was put together by Houstonians, that he was present to ask them for their support of process, that it was not about which company they liked, it was about process, they won, 4 Families won, a no vote tomorrow for CA One was a yes vote for process, a no vote for CA One was a positive vote because it was a vote for process. Council Member Berry absent.

Council Member Quan asked that looking at the RFP that he had, did it say how the decision of who the winner was would be determined, and Mr. James stated that it said a selection committee would determine and it also said that the most important thing for the selection committee was to select the most complete proposal and it went on to say that rent would not be a determining factor and Mr. Vacar said at the pre proposal conference that rent would not be a determining factor and the City's consultant also said that rent would not be a determining factor, so it was in the book, and Council Member Quan asked if there was anything dealing with weighted scores or rankings or anything of that nature, and Mr. James stated yes, that all of that was in the book, that the individual weights of how it was going to be scored was in the book, and they also talked about it at the pre proposal conference, that was why they responded in the way they did, that the rankings were explained to the selection committee before the vote, which the Department of Aviation had admitted to, but they were not aware of the model used until after their selection, that after their selection they became aware of the model that was used to select them, which the Aviation Department had said was explained to the committee before the vote, and Council Member Quan asked if the Aviation Department ever officially say that 4 Families was selected, and Mr. James stated that in Mr. Vacar's own words, before Council, was that the consultant announced it, everyone knew, that he thought that most of the Council Members knew, they had members of the other team calling them to get on their team because everyone knew that they won, that in Mr. Vacar's own words was that it was announced, that the recommendation was CA One, but the committee's vote, which no one was hiding from, was 5 to 2 for 4 Families, that even after Mr. Vacar re-scored it, was still 4 judges to 3 judges voting for 4 Families, so Mr. Vacar was going totally against the intent of the committee, that even after he re-scored it, still the intent of the committee was 4 to 3 for 4 Families. Council Member Berry absent.

Mr. Aaron Smith, 15715 Bammel Village Dr., Houston, Texas 77014 (832-752-9545) appeared and stated that he was present on behalf of Hospitality Partnership of Houston and CA One Services and why they would like to have their vote to run the food and beverage at Hobby Airport, that the question was asked of the City Council why they voted for them and the simple answer would be that it would be the best deal for the City, that they simply would make more money for the City of Houston under their proposal, as a matter of fact 27% more, about \$7 million, plus the funds increased to the City under their proposal, they do not stay constant, that Hospitality Partnership was a 61% minority owned company, they were local and had more airport experience than anybody on the opposing team, that most of their members operated food service at Intercontinental Airport, that as a matter of fact he started as probably the lowest purveyor in the airport with only three locations, today he operated eleven food services in the airport, that he practically single handed rescued the food service in the airport and did it all at his own expense, that the purveyors that failed, he increased their businesses in some cases as much as four times, which meant that he provided a lot more funds for the City of Houston, that they would earn more money for the City and had the experience, that was all they did, they operated food service in the airports, they did not operate fancy, expensive restaurants in the street, they operated food service in the airports, that was their business and that was what they did, that unfortunately some people were trying to get into their business, and they were not trying to get into theirs, that they were airport food service people and they treated their people well, they knew how to provide the benefits for the people who worked for them and their company, that they had CA One Services with them because they were in many airports throughout the Country and that was the kind of people they needed running the airport, if they had a good tenant they did not change that good tenant for another tenant, they keep that tenant because they knew they had a proven record of pain, earning the money and taking care of the business for them. Council Members Tatro, Sekula-Gibbs and Berry absent.

Upon questions by Council Members, Mr. Smith stated that their group was Hospitality Partnership of Houston and they were in a joint venture with CA One Services, that they were a part owner of Hospitality House, that he had eleven operations at Houston Intercontinental Airport, that he was at DFW Airport and Intercontinental Airport, that his company specifically was called Airport Express Management Limited, and they owned and operated PC Express Units, Popeye's Chicken and Biscuits, Taco Bell, Moody King, Pizza Inn, that they had all those particular restaurants, but the partnership that they formed through going with CA One was called Hospitality Partnership of Houston, that he had no restaurants outside of the airport, they were all in the airport, that 51% was CA One Services and 49% was Hospitality Partnership of Houston, but the overall minority and local came to about 61%, that he could provide them with a breakdown, but 61% of the partnership was minority and locally owned, that CA One's headquarters was in Buffalo, New York, that typically in airports there was usually what they called a master purveyor or prime purveyor and CA One had done this type of stuff all over the Country for years, and one of the main things that was asked if they were experienced and contrary to their opponents who did not have anybody who had experience like that, so CA One brought their national experience of being in airports for many years, that he had a lot of experience, that he had been in the airport since 1990, that they thought it would be better if they had someone who had national experience and who had operated in airports for many years, that he was not sure how the profits would be split, he was not the numbers guy, he was the food operator, but by far they could provide them with that information and would get it to them, that in the whole operation there was going to be about 61% minority owned, that of the income coming in about 61% would go to minority operators, that Hospitality Partnership of Houston was 100% minority owned. Council Members Sekula-Gibbs, Berry and Robinson absent.

Mr. Kirby Caldwell, 6000 Heatherbrook, Houston, Texas 77085 (713-723-8187) appeared and stated that he was present to encourage them to support the administrations recommendation regarding Hobby Airport, that they were Houstonians, that it had been implied that they were headquartered in Buffalo or Niagara or Las Vegas or somewhere, that they were native Houstonians and had more Houstonians on their team than their opponents did on their team, that second, they brought a ton of experience to the particular project, that when his good

friend Mr. Pappas was present earlier he referenced the fact that some folks went to the airport and ate before they got to the airport, that he wanted to share two or three things with them, that number one, they all knew that Hobby did not have the most updated and outstanding facilities and that was why they were renovating it, that number two, they were cramped and small and he thought that the vendors out there had done an outstanding job, that number three, they were bringing some new partners to the team and once the facility had been improved and enlarged the service would be outstanding, that lastly, with all due respect, there was a huge difference between preparing food on Main Street and Westheimer and preparing and presenting food in the airport, that he loved to eat at Pappas Restaurants, he took his wife and three kids, but with all due respect, the food at the restaurants was a lot better than the food at Compaq Center so he ate before he went to basketball games, that the only point he was making, with all due respect to all those involved, was that preparing food at the airport and presenting it and delivering was a lot different than doing it on the street and it was a lot more challenging and their team had a ton of experience in delivering it, that thirdly, 27% more rent, that a lot of talk had been made about funny money and what was the difference, that 27% was the difference, 10.5 versus 13 percentage rent going to the City, that furthermore there was an escalating clause in their deal that said that as the revenue went up the percentage that they paid to the City would also increase, that there had been a lot made about who won and how they won, he had the sheet and total points were 625 versus 612 and they ended up with more points, so he would again submit that they consider them tomorrow for three fundamental reasons, economics, experience and excellence. Council Members Sekula-Gibbs, Berry and Robinson absent.

Council Member Keller stated that he held a letter referencing a subcontractor on the CA One team, who was also on the Hudson Team, as far as removing himself from the team while having liability to the City in delinquent taxes and the question that he had was, did the RFP that went out for the City ask if they had any outstanding debt or liability with the City of Houston and if it did ask that who answers that question, and also in the RFP process did the subs also have to sign off on the question, that his question was if as to the letter he received today and as far as he removing himself from the team, who did they plan on replacing the individual with on the team and would they all agree to making it a permanent replacement and not just leaving a spot open for them to get on the team a year later or so, and Mr. Caldwell stated that he could not or should not speak or would not speak for the Aviation Department or for the Legal Department, that he would say that the gentleman had removed himself and would be removed until those issues had been resolved and they would comply by the rules and the RFP and he would not be allowed to enter until those issues had been resolved, that they had not decided who they would replace him with, in fact they fully expected him to comply and pay and if not they would make that decision should the opportunity present itself, that the contract, to his knowledge, did not commence for another 48 months or so, that their team also paid higher wages and offered full benefits to the persons who were participating in the joint venture regarding their employees. Council Members Sekula-Gibbs and Berry absent.

Mayor Brown stated that the question was raised about ownership, 49% and 51% and asked that Mr. Caldwell explain that so that it was clear to everyone, and Mr. Caldwell stated that it was 51% and 49% joint venture and the question was raised as to how would the profits be distributed, the profits would be distributed according to the 51% and 49% arrangement, a straight up deal. Council Members Sekula-Gibbs and Berry absent.

Council Member Goldberg asked for a point of clarification and asked if the contract did not start for four years, and Mr. Caldwell stated that the contract would not start for two years, and thanked Council Member Goldberg for correcting him, and Mayor Brown stated that there was construction going on, and Mr. Caldwell stated that it started with the approval of Council but the vendors would not be operational for two years, and Council Member Goldberg asked if the person who had the tax problem, as soon as they cleared it up they were back on the team, and Mr. Caldwell stated that once he cleared it up he would be positioned to be back on the team, and as to the dining facilities they would not be like at Compaq Center, it would be first class, top drawer, sit down and neat with delicious tasting food and great service, that as to the cooking

facilities, it was his understanding that they would be adding \$8 million in capital improvements. Council Members Keller, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Quan, Mr. Caldwell stated that he was a principal in the joint ventures, HG Concessions Group, that it consisted of he and Gerald Wilson and they were a part of the Houston Hospitality Group with Jay being with CA One, that all of their subcontractors were also principals. Council Member Keller absent.

Upon questions by Council Member Ellis, Mr. Caldwell stated that they believed that the Houston Hospitality CA One JV brought the best of both worlds to the City of Houston for three reasons, that number one they had both local and national vendors in terms of concept, product and hometown flavor, but they also had local entrepreneurs and a strong financial and structural backing a national purveyor who understood and knew the trends and could step in and truly provide the service and be a safety net should something traumatic or dramatic happen to one of the individuals or the airport in general, such as September 11th, and the experience, the acumen, the infrastructure that CA One brings to the table, he thought, was absolutely immeasurable in terms of value added, that no major decision would be made without the local folks approval, in order for a decision to be made it takes 78% of the vote and that meant that CA One could not do that by themselves, that the way the deal was structured they needed 78% of the vote from the JV.

Council Member Ellis asked Mr. Hall if he had a chance to look at the contract and Mr. Hall stated no, but had some people who could come down who actually wrote it, and Council Member Ellis asked if there was some type of non conformance clause that was built in, that it was a 10 year contract, that he understood that they were going to have some capital outlays, but if they got five or six years out and the principals of the 49% interest were not there any longer or had sold their interest then would there be a non conformance clause where CA One could be removed, that would be a major concern for him for entering into this long term contract, and Mr. Hall stated that he would check that, but he would say that he could tell them from experience that some the participants in those contracts over time did change with the approval of the Aviation Department, but he would specifically look at it to see if there was anything specifically speaking to "conformance" per se, and Council Member Ellis stated that if any of his other colleagues might have legal questions that he could clarify and give them a sheet in the morning prior to their vote he would appreciate that. Council Member Keller absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Caldwell stated that HG Concessions was a participant in both CA One and in Hudson News, that if it were an issue, food and beverage would be his choice. Council Member Keller absent.

Upon questions by Council Member Goldberg, Mr. Caldwell stated that as to the relationship with Houston Hospitality CA One could not buy them out, that to his knowledge CA One could not buy out the JV's out and own a greater percentage. Council Member Keller absent.

Council Member Vasquez stated that there had been some comments circulating about the RFP itself and read the RFP that stated that interested parties could respond to both Concession RFP's, Food and Beverage and News and Gift and Specialty Retail (issued under separate cover) however a single respondent would not be awarded both concessions, and asked Mr. Hall what his interpretation of that in terms of how that applied to the fact that they had two separate bids with individuals on both bids, and Mr. Hall stated that there was considerable discussion about that issue when the RFP's were issued and that decision was made by the airport based on their belief that it would be more appropriate to get those who actually specialized in those two general areas, and thought they were aware from the respondents they got that some of them specialized in retail and some in food and beverage, and he also thought that it was important to have two different entities actually assemble teams to present on the two different questions for some of the reasons that were indicated, but there was other than the

legal entities themselves and the principals, there was never a thought or any discussion that they would bar subcontractor participants in that process, that it had never been discussed, to his knowledge, at the Council table, that it was certainly intended at the time they were talking about the principal entities involved, there was never any discussion that he ever participated in, that reached a prohibition of the subcontractors or minority interest people participating in more than one, that it was important to know that a joint venture was in fact a legal entity in itself, it was like a partnership in effect, so the joint venture had a discreet life of its own, it was not the joint venture if just one of the joint venture participants was different, it was not the same joint venture, that they would try to submit that in written format by tomorrow. Council Members Keller and Quan absent.

After further discussion, Mr. Hall stated that the City would be contracting with the joint venture and the joint venture was a legal entity in itself and to the extent that there would be a prohibition against the same joint venture or legal entity contracting for both of them, if they were not exactly the same, they were not the same entities, that maybe in the future Council might want to say that a majority of them had to be different or something like that, but they did not do that this time, it had never come up before, that they had lots of vendors who did business with multiple departments at the same time, that they were not aware of any federal regulation that required that they be separate, in fact, they were not aware of any regulation that would not have let him submit them together, that he could have submitted them under the same RFP, he chose to recommend that they be separate, that was not a requirement, that they could have put retail together with food and beverage and had entities propose on them combined, that had been historic in Houston, that traditionally they had been separate, in many places they were not. Council Members Tatro, Edwards, Keller, Quan and Parker absent.

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

Ms. Yunxia Guo, 6201 Ranchester Dr., No. 46, Houston, Texas 7736 (713-270-7817) appeared and voiced her personal experiences and opinions regarding the practice of Falun Gong and the Chinese government's opposition to the practice until her time expired. Council Members Galloway, Keller, Vasquez, Parker and Sekula-Gibbs absent.

Upon questions by Council Member Goldberg, Ms. Guo stated that it was not a religious practice, that it was a meditation exercise which originated in China and had 5 sets of gentle exercises and meditation, very much like Yoga and Ta Chi, that the Chinese government was trying to stop the practice because it came out in 1992 in China and in over only 7 seven years there had been over 100 million people practicing in China and that number was greater than the communist members in the party so she thought that the communist party was very afraid that they would lose control of that group of people when in fact they did not have any political motive, they just tried to be good people both in physical and spiritual, that they did not espouse any political philosophy or anti communist philosophy, that she had been practicing it for more than three years and had been in contact with many Falun Gong practitioners all over the world and had not experienced any occasions where they talked about that, they just tried to follow the principle of truth, compassion and forbearance. Council Members Galloway, Keller, Vasquez, Parker, Sekula-Gibbs and Robinson absent.

Mr. Raymond Davis, 5502 Werner, Houston, Texas 77022 (713-699-1064) appeared and stated that he was present to talk to the Mayor and Council Members about his getting injured on the job last year and had been off of work for about a year and some months and had not gotten any compensation, that this month he was supposed to get an operation and was present to try to get them to help him. Council Members Galloway, Edwards, Keller, Vasquez, Parker, Sekula-Gibbs and Robinson absent.

Mayor Brown asked Mr. Davis if it was accurate that he was going to meet with the Texas Workers Compensation Commission for a review of the decisions that had been made on his claim, and Mr. Davis stated that he had one conference and had one schedule for November 1, 2002, and Mayor Brown stated that was the appropriate way to proceed because they were the ones who could make a different decision than had been made today, and Mr. Davis stated that the reason he was present was because he was going to come to Council once before and someone from the Mayor's office had called him and told him not to come, that they were going to try to handle it and that was why he had put it off for a year, and Mayor Brown stated that nobody should tell him not to come, that was what they were there for, to listen to people, that he had to wait and see what would happen when he went before the Texas Workman's Compensation Commission for benefit review, there was a conference scheduled where he could present his case and they would be the ones who would ultimately make the decision. Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

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

Mr. Maurice Davis, 5017 Archway, LaPorte, Texas 77571 (281-471-6019) had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

Ms. Denell Wiseman, 5611 Jackson No. 9, Houston, Texas 77004 (713-348-6022) appeared and voiced her personal experiences and opinions regarding the practice of Falun Gong and the Chinese government's opposition to the practice until her time expired. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards asked if the practitioners of Ta Chi were persecuted in China and Ms. Wiseman stated no, and Council Member Edwards asked if she had an opinion as to why, and Ms. Wiseman stated that her theory was that so many people did it, and it also included many members of the communist party and the government to and thought that it added to the sense of threat that the leader felt. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Vasquez moved to suspend the rules to hear Mr. John Florez after Ms. Ethel Hagewood, seconded by Council Member Alvarado. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT) (Note: As no quorum was present no vote was recorded)

Ms. Ethel Hagewood, 5300 Coke, No. 20, Houston, Texas 77020 (713-672-0039) appeared and stated that she would wait to speak until the Mayor came back to Council. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. John Florez, 524 Westheimer, Houston, Texas 77006 (713-522-6548) appeared and stated that he really wished that when the sessions were held that the Council Members remain in the room, that he knew they had other things to do but if that was the case then why plan the public session, that he thanked those of the Council Members that respected his time, which was valuable, that they sat there for hours and the Council Members were gone, that they needed to think about it, if they had the sessions they ought to stay, if they wanted to go off to do their little bit, then do not have them, because a lot of folks were present and were going to be

talking to empty chairs, and Mayor Pro Tem Quan stated that he appreciated Mr. Florez's comments and they did have an election every two years and they could make note of who stayed and listened to the public and who did not, and Mr. Florez stated that compared to the food fight what he had was minor but important too, that it had to do with festivals, that he was hoping that before their festival had to be moved again that they would take a little time and listen to what he had to say, that he had been present on it before, that in 1999 it was determined that the main issue of their event was parking and the Mayor's office and the Parks Department told them that the City Hall area and the Fonde parking lot would be available for parking, they were forced to close the I-45 north and south exit ramps in May and it showed tremendously in their attendance, the ramps in the past had been left open without any problems, their security plan, which he had handed out to the Council Members, worked, it worked because it was done right, that if other event producers did not provide proper security they should be made to close the ramps, that they were forced to move and it affected their attendance, they were kept from having their exotic animals, birds and snakes, which were very much a part of their event, it affected their attendance, that easy access to the large parking lot was being taken away from them and it was affecting their attendance, that if they had a security plan that worked and if a Lieutenant, who was with special operations and worked the event and many other events, would tell them it worked, that they had no problems, why was it they were being told that they had to shut the whole parking lot, that they should look at their plan, it had worked before, they had more signage, not required, than anybody else, they had huge mammoth barricades that they had built and were bigger than anything the City used and had officers there, that they had an officer who directed folks southbound so that in no way did they cross Sabine, which might be a problem, they had officers up and down Sabine controlling traffic in and out of the lots, that they did not create a problem, they never had any incidents or problems, yet what was happening was affecting their event, that the only other place they could go was back to Westheimer. Mayor Brown, Council Members Galloway, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Florez stated that he was talking about the Westheimer Street Festival, that he was concerned about the closing of the ramps, that people coming from Galveston could not get to the parking lot, that he was suggesting that they go back to the plan they had used before which had worked, that it was not a Parks Department issue, it was a safety issue, and Mayor Pro Tem Quan stated that Chief Norman Wong, HPD, was present and would meet with him, and Council Member Edwards asked that whoever they assigned from the Police Department would meet with her because she would like to talk to them about it. Mayor Brown, Council Members Galloway, Goldberg, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Tatro moved to suspend the rules to hear from Ms. Hagedwood at this time, seconded by Council Member Vasquez. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT) (Note: As no quorum was present no vote was recorded)

Mr. Akin O. Amen, P. O. Box 2808, Phoenix, Arizona 85002 (no phone) had reserved time to speak, but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Ethel Hagedwood, 5300 Coke, No. 20, Houston, Texas 77020 (713-672-0039) appeared again and discussed a conspiracy to kill her and her family and voiced her personal experiences and opinions until her time expired. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Joe L. Nargo, 3319 Shiro Dr., Houston, Texas 77014 (281-880-9522) appeared and stated that he had a letter addressed September 24th, that his Carleen Colbert pushed him on his back, that he had surgery on his back and she pushed him, that it was after lunch when this occurred and Colleen Colbert did not even state what was the problem, why was he in the yard, that the accident occurred as he entered the bay and she continued pushing him out the building, that there were approximately ten or twelve employees who witnessed the accident, including Mr. Mike Allen, that he stated several times to Ms. Carleen Colbert, "don't push me", supervisor Arnold Ray, Reginald Arnold Ray saw the accident when it had happened, that he told his supervisor, Coleen Colbert, once or twice before this had happened, that she had put her hands on him, that he had asked her to keep her hands off of him, on another incident it happened with one of his employees, Mr. Timothy LeBlundt, she also pushed him, so he thought superintendent Kenny Roy was aware of the incident, that there was still no solution to the issue, that he knew it was against the City's policy and the Mayor's policy, that it was a major problem for him, that he considered it as an assault and misconduct issue, that the next incident that happened was when Mr. Ed harassed him, that he had been harassing him and making smart remarks or racial remarks and the issue had been going on for about two months and he reported to the Assistant Superintendent, Mr. Don Wilson, that there was no solution there either, that when he stayed in the yard for a period of time and other people were in the yard also, that he was checking his equipment and filling out paperwork, job, task sheet or something like that on equipment, between ten or twelve people were still in the yard when he and Mr. Ed got ready to leave. Mayor Brown, Council Members Galloway, Edwards, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they took it seriously when he said he was physically assaulted by someone within his department and it was his understanding that he had filed a complaint with the Office of Inspector General and that they were conducting an investigation at this time as to the charges that he brought, that they thought that was the proper way to go, that they had an independent investigation to make sure that what he had said was correct because he had made serious allegations against another employee of the City, and Mr. Nargo stated that he was also threatened by another supervisor, Mr. Arnold Ray and had filed a complaint against him and that was in the same letter, and Mayor Pro Tem Quan asked Mr. Nargo that while the investigation was going on what would he like for the City Council to do and Mr. Nargo stated that he would like to know if the City Council knew anyone else who could help him with the situation, and Mayor Pro Tem Quan stated that they had assurance from Mr. Vacar, Director of the Airport, that they had taken the charges seriously and a thorough investigation was being conducted by the OIG at this time. Mayor Brown, Council Members Galloway, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Frank Black, 5112 Clay Street, Houston, Texas 77023 (713-921-7618) appeared and stated that he was present with his neighbor Mr. Jose Limon, that the reason they were present was that they had a growing problem in the east side of Houston with gang problems and drugs, that they lived near Jackson Middle School and the problem had grown to where the citizens would not walk out of their homes, the gang members had actually taken over and they had not found any police officers out there wanting to patrol the streets at all, that the gang task force worked Monday through Friday and were off on weekends, they worked 9:00 a.m. to 5:00 a.m. and that was when the gang members were sleeping, they were sleeping and doing the dirty work at nighttime, there were no patrol officers during the day or nighttime, on weekends there were zero, there was a skeleton crew, that they lived across the street from a park and they were trying to hustle Mr. Limon's wife right in front of them, they were urinating and defecating in Mr. Limon's front yard, that they had people openly selling drugs out there and carrying guns, that when a policewoman drives by the gang members shoot the finger at her and she turns her head, that something had to be done, that the police were not doing it out and he did not know what the problem was and it was not just at that park, it was not just their street, it was the next street and the next street, there was nothing happening out there, no police activity, and if they saw one he was lost. Mayor Brown, Council Members Galloway, Ellis, Keller, Parker, Sekula-

Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that she would like to request that they ask HPD to send additional patrols out there and also have Mr. Adrian Garcia, with the Mayor's Anti Gang Office to perhaps target that area to do some immediate intervention in that area, that she thought that his office would be very helpful, that she would also encourage Mr. Black to attend the Eastwood Civic Association Meeting, which was next Monday at the E. B. Cape Center at 7:00 p.m. and she would also ask for their support in getting their association active to start calling the police, that the more calls they made the more attention they would get from the Police Department, and Mr. Black stated that there was an eight year old girl about three months ago who a guy tried to abduct her in front of his next door neighbor's house and he and Mr. Limon stopped him, that he made three attempts to call the police out there and to this minute there had not been a police officer show up to take a report on that, and that same guy was out there trying to pickup up little girls and there was not a police officer stopping this guy on the street. Council Members Galloway, Ellis, Keller, Parker, Sekula-Gibbs, Berry and Robinson absent.

Mayor Brown stated that Assistant Chief Wong was present and he would ask him to take the concern back to the Police Department and devise a plan to address and solve the problem. Council Members Galloway, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent.

Mr. Ray A. Jones, 3214 Ferndale, Houston, Texas 77008 (713-529-7887) appeared and stated that he was present with the West Alabama Quality of Life Coalition, that he was present regarding the Downtown District's recommendation that the City dismantled the current roadway configuration on West Alabama and Richmond to accommodate 1,000 buses and 20,000 to 40,000 cars per day, that on a substandard width road and to remove the trees and esplanades on Richmond, that even as a proposal and even on a two to three year basis or more, it sent the wrong message to their citizens, the Nation and to the community, that he was with a financial institution in the 1970's and 1980's in Houston and they financed and owned over 4.5 million square feet in downtown Houston and hotels representing five high rise office buildings, that he was able to have a small say in some of what they did and he could tell them today that they never would have ever suggested a remedy or solution to a traffic situation to get vehicles into downtown, even temporarily, that would have such detrimental consequences to their neighborhoods or the neighborhoods in any community in the Country, so why was it okay in Houston, that this kind of suggested preliminary reconfiguration that was proposed by the Downtown District and their traffic consultants and representatives to Metro and the City traffic engineers and would bring increasing capacity along West Alabama would just not work and even to suggest to remove the trees and esplanades on Richmond was simply not good business judgment, that this area of town and the corridor especially on Alabama was a unique and eclectic blend of places of worship, schools, the university, small businesses, shops, social gathering places, coffee houses, residential neighborhoods and townhome communities bordering along West Alabama, the issue of even restripping Alabama to alleviate traffic when the SPUR 527 rebuilding got under way was detrimental to the integrity and fragile mix of the corridor, so please do not fix Alabama or Richmond, even on a short term basis as proposed and damage their neighborhoods in the process, find another way to get into downtown Houston. Council Members Galloway, Ellis, Keller, Parker, Berry and Robinson absent.

Upon questions by Council Members, Mr. Jones stated that he was not a traffic engineer and did not have a solution, that he made some recommendations and one recommendation he made was that early in 2004 he believed the Metro Rail would be completed and there was a possibility there to reroute over to Reliant Park and bring into downtown and Metro looked at that, and he got an email back from them, and they said it would take them an extra 25 minutes to get into town, that he had not responded but obviously if they were going to try Richmond and Alabama it was going to take a long time to get into town also.

Council Member Edwards stated that she wanted to advise the Council that there was a task force that had been working on this and they had put together several alternative plans and solutions and her concern in talking with engineers and people from the City departments was that she was not convinced that if TXDOT went through with the plan that it would even mitigate the situation they were trying to remedy so she would encourage if they could influence TXDOT in any way to give serious consideration to the alternative plans that had been submitted and to the recommendations from the Public Works Department as to how they could do something, that she knew they had to move people but was not totally convinced that this was the plan, that the plan was done 15 years ago and the demographics of that area had changed drastically. Council Members Galloway, Ellis, Keller, Vasquez, Parker, Berry and Robinson absent.

Mayor Brown stated that they expected to have a proposed plan in the next few months and at that time there would be public hearings and would give them all an opportunity to weigh in on the concern that many people had. Council Members Galloway, Ellis, Keller, Vasquez, Parker, Berry and Robinson absent.

Mr. Dan Lundeen, 217 Statford, Houston, Texas 77006 (713-652-2555) appeared and stated that he was present on the same subject, West Alabama Quality of Life Coalition, also Bike Houston and Walk Houston, that he just wanted to say when they build and maintain roads they had to do a balancing act, it was not just about cars it was about neighborhoods and people, that only 80% of people drove, a 100% of them walked and he thought when they started to look at transportation solutions, even temporary, he thought they needed to account for all road users and not just the people who drove, that if they designed solely for the idea of getting cars from one place to another they were going to ruin the neighborhoods, they had to think about the neighborhoods and the people who lived there, that he had a couple of concepts, the livability of a neighborhood was synonymous with walk ability, that the pedestrian safety was the same thing as accessibility for people with disabilities, that if they could not walk to a store he did not think a street really did them a lot of good, that he also thought they needed to look at equity, if they had a sidewalk it served everyone, it served low income people, people of all ethnicity's, disabilities or ages, that children could not drive and had to be chauffeured these days every where they wanted to go, they had to be driven by their parents, that the bike lanes on West Alabama were not just for bicycles, that the way that West Alabama was now they had reasonable traffic speeds and the bike lanes provided a traffic calming effect, that people did not speed as much, they had more consistent speeds, there was a bigger buffer between the sidewalks and the motor vehicles and the pedestrians really appreciated that a lot, that when they were walking down they had a strip center on their left and high speed traffic on their right and it was really nice to have a little bit extra buffer between the motor vehicles and the sidewalks, that he thought if they were going to spend any money on fixing West Alabama he thought they ought to start with the sidewalks, that there were sections on West Alabama where there were no sidewalks and that meant under Texas law if there was not a sidewalk provided they had a right-of-way as a pedestrian to walk in the roadway and what the plan meant when they were putting all the buses on the roadway was that they were running the buses down the pedestrian walkway, unless they had some adequate sidewalks, and that did not make any sense. Council Members Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Richard Vela, 4039 Erby, Houston, Texas 77087 (713-645-7109) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Robert Sharpe, 723 Main Street, Ste. 800, Houston, Texas 77002 (713-724-8141) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Richard Gomez, 1907 Freeman, Houston, Texas 77009 (713-223-9166) appeared and stated that he was a member of the City Hall Committee for the Local Houston Professional

Firefighters Local 341, that he was also the Chairman of the Hispanic Firefighters of the Local 341, that the Hispanic Firefighters had been in existence for over 25 years and had officially formed back in December of 1981 and in the past 20 years they had helped over 30,000 senior citizens with food baskets during holidays, they helped some of the local little league with equipment that they helped them buy, uniforms, pitching machines and just anything thing they needed they came to the firefighters and they helped them in any way they could, that they also started an Adopt a Family Program three years ago where during Christmas they find families in the neighborhood that they serve and they go out and help them with clothes, toys, food, anything they need, even if it was a Christmas tree, if they did not have it, they buy it, they had been able to do it for three years, that also this year he was glad to say that after eight years of working hard with HCC and HISD they managed to start EMT in high school, they had three schools participating, Yates, Milby and Reagan, which it would be able to help them out when they go to the schools, teach them EMT's, and right after that they come out of high school and take them to HCC and help them to become firefighter certified and right after that go into the Fire Department, that was the plan they had been working on for eight years and was glad they finally got that off of the ground, that the reason he was letting them know about their organization and what they did was because he wanted to let them know that they were not only about doing anything around and not taking care of business, when they see problems in the community they address them and act on them, this was the spirit of the Hispanic Firefighters in Houston, that he was present in concern to views and concerns about diversity and racism in the Fire Department, he did not agree that they should replace Chief Connealy and his reason for that was when Mayor Brown hired Chief Connealy a year ago he said he was the best and he was present to tell him that they did not agree with that, but they did not agree that he should be replaced, because if he was the best what would they end up with after that, they did agree with Council Member Vasquez that the problem, with diversity and racism in the Fire Department, did not start a year ago, and it did not start five years ago when the Mayor took over, it had been in existence for a long time, even when he came in, that the reason he was present was to let the Mayor know that when he first took over he told them that he was going to help them with these problems, first they met with Chief Tyra, who was his first Fire Chief, and he assured them that their problems would be addressed and after meeting with him for many times, nothing got done, that right after that they met with the Public Safety Director, Mr. Hollingsworth, and again he assured them that their problems would be addressed and resolved, that after meeting with him they met with the Mayor personally and with Council Member Alvarado, and again nothing was done, that he was presently to sadly report that even after a year of meeting with Chief Connealy, again all of their issues were still put to the side, that one good thing he had to say was that the Mayor finally did do something that they agreed with and formed a public safety committee chaired by Council Member Edwards, that his only problem with that was when she gave him her final report and solutions that he hoped that he did go ahead with them and not just put them aside like he did everything else with their diversity, that to Council Member Edwards he wanted to say that they congratulated her on the appointment and that he and his membership and his executive board looked forward to helping her in anything they could, like he stated earlier, if they wanted solutions they had them, they had plenty of them and had more to come because that was what they were about, was helping the community and also the Fire Department with their brother firefighters, that the last thing he wanted to say was that he hoped that when they did address the problems that they do fix them because he wanted to help bring the Fire Department into the 21st Century and get it out of the stone age of which it was now, that they wanted to be able, when they spoke about color in the Fire Department, they were talking about the ugly colors that the City painted the fire stations and not about somebody's ethnic group.

Upon questions by Mayor Brown, Mr. Gomez stated that he represented all of the Hispanic firefighters within the union, that some of the concerns that they had addressed with the past and present Fire Chief and the Mayor were problems that they had in recruiting, they had problems with recruiting being civilianized, that they were not against civilians in the department but what they were against was having civilians selling the Fire Department, that the problem was that they did not have any classified recruiters to sell the Fire Department, that the academy had problems for years, there was always different disparities there, that three weeks ago they had

9 cadets that failed the EMT test, if it was only one or two maybe it was understandable, but when they had 9 out of 70 there was a problem and nobody was addressing it, that for every one they lost out there they lose another firefighter on the back of the fire truck and also probably a minority firefighter, that they started off with 12% Hispanic firefighters in the Fire Department when he first came to the department and 20 years later they were just barely at 17%, that they were in the process right now of redoing the guidelines and his first suggestion to them was to send it to one of the Human Rights Committee called Senate Bill 382, which was formed for that particular purpose, to help make sure that everybody who applied for the Fire Department got a fair shot, that he asked the administration if they were going to send the guidelines to the Human Rights Committee before they approved it and the answer was that they would do it in house and they did not think that was right, that there was a lot of questions about the disparity, that he got calls from everybody, that he got a lot of calls from White firefighters because they knew they stood for fairness to all, they did not ask for nothing special, they just wanted to get treated fairly, that the problems at the training academy could be a lot of things, but if nobody was willing to roll up their sleeves and actually look at the problems it was never going to be done, that in terms of promotions there had always been questions about promotions and knew that Mayor Brown talked about assessment centers last week, that he did not know if he was for or against assessment centers and the reason he said that was because nobody in the Fire Department had been educated on assessment centers, that their main things was recruiting, the academy and overall sensitivity in the Fire Department, that they used to have sensitivity classes in the Fire Department but they did not do that any more, that he would be more than glad to give Council Member Edwards a copy of everything he had and was ready to testify before the committee and get something done. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Mr. Gomez stated that the EMT section was a vital part of the Fire Department, that he was not sure what the problem was now, but like he said there was a problem but they did not want to talk to them about it, that as to a contract he would rather leave the comments to somebody from the union, but his personal feelings were that they needed a contract. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that last week when the numbers were presented to City Council about the ethnic breakdown it seemed like the Hispanic and African American Caucus shared a lot of the same concerns, the lack of diversity and asked if they had sat down together to try to work out some common issues and some common solutions between the two caucuses and Mr. Gomez stated that yes, they had different meetings among themselves and also with the Fire Chief, that the Fire Chief used to have a meeting every two months with the different organizations and try to work out some of the similar problems, that they were always told that they were going to be worked on and again nothing was ever heard, and Council Member Alvarado asked if they were shown that the assessment centers would be an effective way to deal with diversity would it be something that the Hispanic Caucus would support, and Mr. Gomez stated that honestly he did not know, that they had not been briefed at all on assessment centers. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Council Member Alvarado asked Mayor Brown if assessment centers were one of the negotiations for the contract, and Mayor Brown stated that the administration had put that on the table as part of the negotiations, but as they knew the union walked away from the table and had not come back yet so there were no negotiations, that if his recollection was correct the union was not in favor of them, but the Chief was putting together some type of educational program on assessment centers for the Fire Department. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown stated that promotions were now based upon a written examination and Mr. Gomez stated yes they were, and Mayor Brown asked if he thought that was the best way to

pick managers, and Mr. Gomez stated that he did not know if was cause to pick a manager, but thought it gave everybody a fair shot, if they wanted the test bad enough they would study, that he would agree that one's ability to memorize what was in a book was not the best way for an organization to chose its leadership, that when they made captain's to send them over to an officers school or something like that and it would help out tremendously, and Mayor Brown stated that his point was that assessment centers would assess more than one criteria for supervision or manager and not just the ability to read a book and pass a test, and Council Member Alvarado stated that she would hope that the membership was briefed on the items that were being negotiated. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Gomez stated that he thought that sensitivity at the station was something that was needed, that they had a lot of new people coming into the Fire Department, that he did not think they could give a diversity class for a year and then forget about it for two years, that it was an ongoing event and they had to put into people's mind how other cultures were and have sensitivity at the fire stations to understand that, that he did not think it was necessarily at the fire ground because what he knew of at the fire department as far as when they went into a burning building they went in as a team and were going to protect each other, that he thought it was more in the other avenues, and Council Member Edwards stated that she would like to meet with him and talk further about the whole issue and how to move it forward. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Johnny Villareal, 1907 Freeman, Houston, Texas 77009 (713-223-9166) appeared and stated that normally they would see Mr. Steve Williams at the podium but he was in Washington speaking to Congress on behalf of the Safer Bill, which was a bill they were trying to pass to hire 7,500 firefighters throughout the United States to help staffing, that he was speaking on behalf of Mr. Williams and the Houston Professional Firefighters Association Local 341 and read a statement on behalf of Mr. Williams that stated that Houston Professional Firefighters Association Local 341 was prohibited from representing cadets and trainees as governed under State Statutes and perimeters of labor law, and continued to read the statement until his time expired. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Villareal stated that the last time his membership had a pay raise was four years ago, that as to the review board at the academy for the cadets, to his understanding the way they had seen it operate the last few years, they had like 15 different members that they picked from and those that were available to attend that day, if they were not at work, attended and reviewed the cases on a per case item and they make a decision whether that person should continue going on through the school or not, that there was probably a lot of room for improvement on a lot of items that were out there right now, that they were not allowed to participate on a lot of these things and were kept at a distance, that they had always voiced their opinion, that if they sat the labor organization and management down and showed what the issues were, which they had been trying to do, to correct all the problems they had, that he thought that moving forward was better for the department and for the City, that their interests were just like the Council's interest, the citizens and the community of Houston, that recruitment was what he had said was their major problem out there and they addressed it beginning many years ago. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Berry and Robinson absent. (NO QUORUM PRESENT)

Mayor Brown asked if it was correct that basically the Civil Service for the Fire Department was controlled at the State level, and Mr. Villareal stated that there were a lot of laws that came out of 143 that affected Civil Service, and Mayor Brown stated that essentially it was like police and fire was basically controlled at the State level, and the Fire Department had Meet and Confer before the Police Department and the objective was to be able to solve the issues locally without always running to Austin, which historically had been the case, and Mr. Villareal stated that he

agreed with the Mayor, that there were issues that had already been put on the forefront and as the Mayor mentioned last week that he would pass a law creating assessment centers, and everybody knew that it had to go to Austin, that they had to go do what they had to do in Austin also, and that was when they began to see the picture changing, that they would enjoy sitting down with the Mayor and finishing their contract before 2003, that he believed it was everybody's agenda, and Mayor Brown asked if anyone in the Fire Department looked at the Police Departments contract, and Mr. Villareal stated yes, and Mayor Brown asked if they knew the police gave up certain things to get what they got, and Mr. Villareal stated yes, they understood that, and all the things the police officers had given up in their contract, the fire offered to the City's negotiating team in January and Mr. Vara absolutely said no, and Mayor Brown asked if they were prepared to give up everything the police gave up, and Mr. Villareal stated yes, that offer was put on the table, assessment centers and some other stuff that was in 143 was put on the table, presented to Mr. Vara and he adamantly said no, no way for anything, and Mayor Brown stated that he would check with Mr. Vara. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Parker, Quan, Sekula-Gibbs Berry and Robinson absent. (NO QUORUM PRESENT)

Mr. Raymond Mbala, 1999 Bryan Street, Dallas, Texas 75201 had reserved time to speak, but was not present when his name was called. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Alvarado, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

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

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

At 4:58 p.m. the City Council recessed until 9:00 a.m., Wednesday, October 2, 2002. Council Members Tatro, Galloway, Ellis, Keller, Vasquez, Alvarado, Parker, Quan, Sekula-Gibbs, Berry and Robinson absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 2, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, October 2, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Sara Culbreth, Deputy Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; Ms. Martha Stein, Agenda Director present.

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 and stated that the first item of business would be the Monthly Financial Report from the City Controller and F&A Department. Council Members Tatro and Alvarado

MAYOR'S REPORT

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION
REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not

limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Ms. Garcia stated that they were pleased to present the Monthly Financial and Operations Report for the period ending August 31, 2002, that first she would like to point out a slight error that was made in her cover letter to them in the report on Page I they inadvertently entered the percentage for the General Fund FY2002 as 7.68% it should be 6.8% and did not change any of the numbers in the actual report, it was just simply the cover letter that they sent to the Council Members by transmittal, they had given the City Secretary a new copy with the correct number; that their estimates include an upward revision in the Fiscal Year 2002 ending in an Undesignated Fund Balance of \$2.2 million, to \$82.3 million, that as their correction indicated it would complete the fiscal year at 6.8% of expenditures less debt service, it was slightly less than the 7.5% that had been mandated by Council, that it did not include the amounts designated for the Rainy Day Fund and the Sign Abatement Funds; that as to General Fund Revenues for FY2003, as reported at Fiscal Affairs, Property Tax Revenues had increased \$2.6 million based on projections furnished to the Mayor and City Council in her memo dated September 10, 2002, that this was in response to the questions asked by Council Member Vasquez and others at their last Fiscal Affairs Committee meeting regarding the methodology used for their projections, additionally they continued to closely monitor Sales Tax and Municipal Courts Fines and Forfeitures and would keep them abreast as any changes occurred, that as for the General Fund on the expenditure side, the Trans interest cost had been reduced due to the favorable interest rates they obtained offset by Sales Tax associated with Reliant Stadium not previously recognized, that the projected net activity for Fiscal Year 2003 allowing for the budgeted ALP Fund transfer of \$4.2 million was now at \$22.8 million, \$3.5 million less than that projection from last month; that as to Convention and Entertainment Facilities, they reduced their estimate for the Hotel Occupancy Tax by \$2 million, which was the amount that year to date revenue trails as compared to last year, that this estimate assumes the revenues for the remainder of the fiscal year to be flat for the rest of the fiscal year; that no significant changes in other Enterprise Funds were reported and they would closely monitor all funds and report to City Council as appropriate and that concluded her report. Council Members Tatro and Sekula-Gibbs absent.

Dr. Scheps stated that as Ms. Garcia had mentioned the beginning balance being up from budget was good news and reflected throughout the report so it was a positive thing, their changes in revenue, basically, were fairly small, they did revise downward their shortfall relative to the Property Tax based on their response to Council Member Vasquez who asked for both of them to do their methodologies, which they had done, and were actually very close now to their loss relative to budget at \$6.6 million and they were very close to the Controller's at this point, that their Sales Tax was unchanged and he did send to each of them Dr. Smith's fall report and it was a slight decrease from his prior, one quarter ago, but it was so small and within their budgetary tolerance, that they had not changed their projections; that they had not changed their Municipal Court projection yet, he thought that would probably be necessary, the committee had a lively discussion yesterday and hopefully the members of the committee felt like they were making progress in that regard and later on in the month they should see the new contract and should actually see some sweeps taking place, the Zebec Contract was on their agenda today, that the FTA Program, Ms. Sudoff had committed to be on their agenda this month, so he was hoping they would make progress, however it probably would be, that they presented their revenue estimates, not theirs, and thought they would be dropping back a little back on their revenue estimates as the Controller had already done, perhaps to the tune of \$4 million to \$5 million, but they would have that for the next month's report; that on the expenditure side, they changed their interest rate in the positive direction, their interest cost, they saved money based on the favorable Trans borrowing, he did note that their Ending Balance projected was now only \$1.8 million below budget, but that was still a \$6 million draw down in the beginning, the reason it was only \$1.8 million below budget in this report was because the beginning balance was actually up, that one other note, that Mr. Vara was present, that he was asked to come back to talk to the Council this morning on a problem that Mr. Vanden Bosch brought up, they thought

the problem was solved and they could take their agenda time to deal with it if they liked to, but he, Mr. Vara and Mr. Vanden Bosch talked and they had an easy way to move his temporary employees into full time slots and there would be no diminution in work, so that problem was really a bookkeeping problem and they solved it, and that concluded his report. Council Members Tatro and Berry absent.

Council Member Keller stated that he was deeply disturbed by some of the information he found out yesterday in the committee meeting, that it looked to him like there were a lot of excuses going on when he thought the will of the Mayor and Council was to get things going, not to use the contract negotiation as a reason to delay, the information that was given to him basically had no numbers so it only left him to assume that they just could not handle the workload and Dr. Scheps used the word emergency yesterday, they were facing an emergency, that one thing that was very alarming and disturbing to him was that there were a lot of reasons given, the main one, a large percentage of the hundred possible cases were police officers not showing up, that was what was said by the Director of Municipal Courts yesterday, that they talked anonymously with four or five officers that they were close to and they would anonymously say it again, that they had been told when they had a docket of 14 or 15 tickets to only pick 2 or 3 that were important to them and the rest would be dismissed, that it was a big deal that the Director of Municipal Courts was admitting that 11 out of 15 were dismissed because the prosecutors tell them to dismiss, that now they could figure a solution, they had the police and they would show up, they had set court times, which Council helped get, the Mayor did his part by saying he wanted the sweeps, that it was time for them to quit talking about it, there were over a \$100 million in outstanding Fines and Forfeitures, it was ridiculous, and asked Mr. Scheps how he felt about the Director of Municipal Courts yesterday saying that prosecutors were letting 11 out of 15 tickets get dismissed, and Dr. Scheps stated that he felt it was an important issue and was something that certainly had come up many times before, it was a complicated process associated with getting all those thousands of police officers down there at the right time, that he thought they helped with that by setting up a new traffic unit, it had a specific court time, that fixed a portion of those tickets, the others there were other strategies that he thought they needed to proceed with, that he felt the director was sincere and understood it and thought the Municipal Court Judge understood it but it was not just that easy to solve, and Mr. Hall stated that they were doing a number of things to try to get a better understanding of the entirety of the process, that there may be a need for some additional training and guidance to the prosecutors and thought the Director of F&A was very correct, at least the preliminary figures they had indicated that many of the increase in the new tickets were for things that mandated that they be dismissed, like no inspection sticker and all of the kind of things that if they present the evidence the law requires that they be dismissed, those kinds of things were among the numbers that provided a lot of the increase from the traffic unit, they were not suggesting that they not do that, but it would occasion a higher than normal increase, they knew about the scheduling problems for police officers and had been working with the Police Department over some time to try to develop a better system, they were going to get the Council Members a more definitive report and frankly he thought the computer system they were getting, he thought, was going to help that some too, so they knew exactly what reasons aggregately, and Council Member Keller stated that if it was that big of a deal they ought to know what percentage and what amount of those were post compliance. Council Members Tatro and Wiseman absent.

Council Member Quan asked how did that situation get to the point where Mr. Vanden Bosch thought he was going to be desperately out of employees in the next couple of weeks and he was amazed that they were able to solve it so easily, and Dr. Scheps stated that he did not know, that they were not aware of it until yesterday so he could not tell them, and Council Member Quan stated that he would encourage communication more openly because Mr. Vanden Bosch posed a very drab situation and he was pleased they found a solution so quickly.

Council Member Vasquez stated that as part of the budget they had passed an amendment that basically would provide for a study of the prosecutors at Municipal Courts, with the potential of even looking at outsourcing the prosecutors because of this very problem and

asked what was the status of that study, and Dr. Scheps stated that it was ongoing and Mr. Haines was going to have a report to them probably within a week that talked about all of the studies, that they agreed to report back every quarter and it was the first quarter and thought they were shooting to have a final recommendation in the month of December on that process, and Council Member Vasquez stated that he mentioned that they thought they had the Public Works problem solved and asked if there was going to be a time in the future where that was going to come up again as a concern, and Dr. Scheps stated that he did not think so, that he thought it was solved for the duration of the fiscal year.

Council Member Tatro stated that it was extremely disturbing to hear from multiple sources that their prosecutors may be instructed to dismiss blocks of tickets and stated that they needed to get some factual information about the dismissals, he would like to get the information about what the dismissals were and how those dismissals got initiated.

Upon questions by Council Member Sekula-Gibbs, Dr. Scheps stated that they were in agreement that there was a drop in fees that were generated from property tax, that they were in fairly close agreement, like \$800,000 apart and they could see that on page 3, their difference, and Council Member Sekula-Gibbs stated that she would like to ask Dr. Scheps and the administration, the Mayor, to prepare for Council Members an urgent report on how they were going to close that gap, they talked about it yesterday but it was not officially recorded that it would happen and she would like to know if they could expect a report on how the administration would seek to remediate that, and Mayor Brown stated that they would get something for her. Council Members Vasquez and Alvarado absent.

Council Member Robinson stated that he had the same question as Council Member Sekula-Gibbs about what they were going to do to bridge the gap and hoped they would get to that discussion sooner rather than later. Council Members Vasquez and Alvarado absent.

Council Member Parker stated that after yesterday's meeting there was an interest in having a special Fiscal Affairs meeting and they had it set for October 15, 2002 at 9:30 a.m. specifically to deal with round two of the Municipal Courts problem and the EMS contract which they were unable to consider yesterday, that she would be happy to accommodate Dr. Scheps if he had his recommendations for budget trimming to if that was appropriate. Council Member Alvarado absent.

Council Member Parker moved to accept the Monthly Financial Report, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2002-1108 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 38

MISCELLANEOUS - NUMBER 1

1. REQUEST from Mayor for confirmation of the appointment of **MS. MARY L. JOHNSON** to Position 15 of the **HOUSTON READ COMMISSION**, to complete an unexpired term ending January 1, 2005 – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1109 ADOPTED.

PROPERTY - NUMBERS 8 through 12

8. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. Cleo Smith, et al; Cause No. 766,816, for acquisition of Parcel A99-126; for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT**, CIP/GFS N-0546-01-1 -

\$54,995.00 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1110 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, Laura A. Mullen, for abandonment and sale of a surplus portion of the former Darrell Street right of way in exchange for the conveyance to the City of a 15-foot wide sanitary sewer easement, adjacent to Lots 3 and 4, Block 2, Walton Court Addition, Parcels SY3-008 and DY3-001 - **STAFF APPRAISERS - DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1111 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering to **RESCIND MOTION #2002-355, 3/27/02**, which authorized purchase of Parcel A97-352, located at 7618 and 7620 Ley Road, owned by Truong X. Hoang and Thang X. Cao, for the **LEY ROAD PAVING PROJECT**, CIP N-0587B-00-1; **TO AUTHORIZE** condemnation of said parcel - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1112 ADOPTED.

PURCHASING AND TABULATION OF BIDS – NUMBER 14

14. **TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification/Recertification of Firefighters for Fire Department - \$76,774.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1113 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 22 through 38

24. ORDINANCE consenting to the addition of 48.906 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2002-0916 ADOPTED.
26. ORDINANCE amending Ordinance No. 1999-394 issuing a permit to **AEW / MCCORD, L.P.**, for maintaining, using, occupying, operating and repairing a basement within Main Street, Polk Avenue and Travis Street abutting the northeast half of Block 296, a basement within Travis Street and Clay Avenue abutting the south corner of Block 297, a basement within Clay Avenue abutting the southwest side of Block 297 and pedestrian walkway within the 1300 block of Travis Street, such areas being within public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2002-0917 ADOPTED.
28. ORDINANCE approving and authorizing an Occupancy Agreement between **HEALTH EQUIPMENT RECYCLING COALITION**, as occupant, and the City of Houston, Texas, as owner, for space in the Metropolitan Multi-Service Center - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2002-0918 ADOPTED.
29. ORDINANCE approving and authorizing an Occupancy Agreement between **TEJAS LEARNING CENTER**, 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. ORDINANCE 2002-0919 ADOPTED.
33. ORDINANCE approving and authorizing sponsorship agreement between the City and

HADLEY HOMEOWNERS ASSOCIATION and **OAKPARK SQUARE HOMEOWNERS ASSOCIATION** for Garbage Collection Service for the respective civic association - 10 Months - \$3,960.00 **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2002-0920 ADOPTED.

34. ORDINANCE approving and authorizing sponsorship agreement between the City and **WAUGH HOMEOWNERS ASSOCIATION** for Garbage Collection Service for the respective civic association - 10 Months - \$960.00 - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2002-0921 ADOPTED.
38. Omitted

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

DAMAGES

2. RECOMMENDATION from City Attorney for settlement of lawsuit styled **JEFFREY HOPPER** v. City of Houston, et al, in the 127th Judicial District Court, Harris County, Texas, Cause No. 2000-06973 - \$50,000.00 - Property and Casualty Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-1114 ADOPTED.

ACCEPT WORK

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,161,144.22 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of Binz Street Paving from Alameda Road to South Main, GFS N-0611A-35-3 (N-0611A-35) - 06.02% under the original contract amount - **DISTRICT D – EDWARDS** – was presented.

Council Member Ellis stated that he had passed out some amendments, that he was going to be amending a number of different items that were on the agenda today, that it would deal with the one labeled Form A and read the following:

“A Motion to amend Item No. 3 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller’s office and the Director of the department requesting for council action must verify and approve all information.”, seconded by Council Member Keller.

Council Member Ellis stated that he intended to submit this on Items 3, 4, 5, 6, 7, 7a, 13, 15, 17, 18, 19, 20, 21 and 39, that there had been some discussion over one of the contracts that the City was about to enter into and that one of the principals of the entity that was going to enter into the contract owed ad valorem property taxes, not only to the City but it was his understanding, to Harris County and some of the independent school districts, that he could not believe that they had not taken steps in the past to curtail the practice, that they had 90% of the population paying their ad valorem taxes and doing the right thing, why would they enter into a contract with any individual who refused to pay their property taxes and was delinquent in paying their property taxes, that there had been some discussion around the table to not just pick and

chosed the individual, to do it with everybody, that his intentions today were to start the process in motion, that they might have to cleanup some of the language in the amendment and they may have to come back with a separate ordinance, but it was his intention to hopefully push the administration and the Legal Department to work with the Council to make sure that they protect, that he believed they had a fiduciary responsibility to all tax payers, and especially to those taxpayers who were paying their taxes, and that was why he was going to be amending a number of different items, and asked if he needed to amend each item separately since he had submitted a written motion, and Mayor Brown stated that he would have to because they considered each item one at a time.

Council Member Goldberg stated that just to clean up some of the language, it listed all of the different entities who they were excluding payment from based on certain ad valorem property taxes not being paid, but it did not say clearly whose ad valorem property taxes were to be paid, so after the word "property taxes" he would make a friendly amendment that they ad "by the aforementioned entities", just to clear up whose taxes had to be paid, and Council Member Ellis stated that he would accept that as a friendly amendment on all of the amendments that he would be making. Council Member Berry absent.

Mayor Brown stated that he would ask Mr. Hall the legal implications in this, and Mr. Hall stated that Council Member Ellis gave him a copy of the amendment earlier in the day and they had a chance to talk about the issue and he understood that there may be some problems with it, a number of issues were raised by it, first it involved an issue that was very similar, this specific one, to a Charter provision that they had that was roughly the same, the legal problem that they had was that as they all knew probably 95% plus of the business that they did in the City, contracts that they had, were a product of competitive bids that were governed by State law, that as they remembered there was always a question of what constituted in the end their obligation to award to the lowest responsible bidder, that the courts had said that the responsible bidder was not a concept governed by social good guy considerations, that responsibility for a bid proponent had to do or be related to their capacity to perform whatever the task was that they would be contracting with them to do, so they had to be able to provide some kind of nexus between what it was they were asking them to do, as an example, there was a requirement that they put use of domestic skills in a case that was actually heard, many people said it was a leading case, and the courts said they could not do that because it did not relate to their capacity to actually perform the job that they had asked them to do, it was certainly something that they were willing to look at and help in anyway they could, but as they all knew there were cases that had gone both ways with regard to Affirmative Action requirements in these contracts, whether or not it related to the capacity of the contractors who perform the job, so the responsibility was not a social concept was what he was suggesting, or whether they were good guys or bad guys, that they would have to show that in some way it related to the capacity to do the work, whatever the work was that they were asking them to do. Council Member Berry absent.

Council Member Ellis stated that he understood that there may be some issues that they were going to have to deal with and resolve, that if they did not pay the State of Texas their car tax they did not allow them to renew their drivers license, that it got a little bit deeper, he understood, when they entered into contracts and so forth, the intentions were to make sure that individuals would come in and pay their taxes, he knew they had a contract that was up today where an individual was delinquent on his taxes and he was a principal in the group, but there were other principals in the group that went and paid their taxes because they realized that the Council was making an issue of it, that he would tag his amendment and tag the item as well and he planned to present another motion as well on some other items that dealt with entering into a contract, that this amendment dealt with the appropriation of money and paying out.

Mayor Brown stated that Item No. 3 and the amendment had both been tagged.

Council Member Robinson stated that he was going to tag the second amendment and was just going to tag the whole agenda, that he was glad they were talking about the issue but

months ago he sent out to Council a memo on this exact point when the City Controller raised the issue and he came back to Legal and asked about the question and if they looked back at his legislative priorities, one of his priorities was that they had to go to Austin and change the law relative to responsible bidder, that had been an issue for him since he came to Council, he argued time to time again that they focused on low but never focused on what responsible bidder was, they made some changes with the debarment ordinance that they passed to put some teeth into the side of responsible, that he was in agreement with what Council Member Ellis was trying to achieve, but thought it could not just be property taxes, if they owed parking tickets he wanted the money, they just heard how much money they were losing on parking tickets and fines out of Municipal Courts, if they owed a water bill he wanted the money, so he did not just want it to be limited to ad valorem, that there were issues that had to be worked out and if they were going to be serious about it then he did not want it to be in the context of they wanted to slap one individual around or now all of a sudden Council was conscious of this because it was something that he at least had been talking about for four years, that he was tagging the whole agenda and tagging both amendments and to get with the Legal Department and see what they could do, if they could not do low bids right now then he assumed they could at least do an ordinance relative to RFP's, RFQ's and RFI's because those were not done on a low bid basis, they were done based on what they thought was the best quality to the City and they may have to deal with the low bid issue in Austin, as he was advised and why he put it on his legislative priorities. Council Member Goldberg absent.

Council Member Ellis stated that it was his understanding that if the low bid company or legal entity comes in and they owe taxes to the City of Houston, the Council could just throw out that contract and start over and so there was a process by which they could do it legally because they had the authority at the Council table to vote against individuals who did not pay their ad valorem property taxes and wanted to do business with the City of Houston, that Mr. Hall may say that legally they could not enter into those contracts because of the low bid process, and Council Member Robinson stated that as he said he did not have a problem with that but wanted to make sure they picked up the whole universe of what was owed to the City by everybody in all categories across the board, that he wanted to look at everything and do a clean sweep. Council Member Goldberg absent.

Mr. Hall stated that maybe he was not clear enough, that the way that Council Member Ellis had worded the provision was similar to the Charter provision, recognizing that for the RFP's that were before Council on the food contracts, this would not touch them topside or bottom because the City was not paying them, they were paying the City, so the provisions would not touch those contracts at all, and Council Member Robinson stated that was why Council Member Ellis had two amendments and why he was tagging both of them and just tagging the agenda so they could get clarification on everything because he thought it would be hasty and rush to do it right now at the Council table and not be clear on what they were doing. Council Member Goldberg absent.

Council Member Galloway stated that she had no problem with them trying to get persons to pay their delinquent taxes, but she did have a problem in which way this amendment was brought before them, it seemed as though every time they had an African American in question with a contract with the City, it was the second time since she had been on Council it had happened, that she remembered when Reverend Harvey Clemons was present and was trying to get housing in her district, it seemed that they were more scrutinized and checked into every little nook and cranny that they could find to see what they could find out on a person and she had a problem with that, that she suggested that they send it to Legal, get an ordinance. Council Member Goldberg absent.

After a further lengthy discussion by Council, Mr. Hall stated that it would be impossible for anybody to come back in two weeks with an ordinance or a response of some sort, that it was shown to him this morning and they had been talking about issues for instance, Council Member Ellis talked about principles, they may have corporations that had 5 owners or 500 owners, they

had no way of really knowing that, he was suggesting that maybe they get an affidavit that said it all and they would have to decide as a policy matter, it had to be studied, what level of ownership they would be talking about, whether it was 5% or 10% or something, but there were so many issues that were relevant to treat everybody the same, that they had to think through all of those issues.

Council Member Quan stated that he would want to make mention to Council that there were several items on the agenda today which were timely and he knew of Council Member Robinson's desire to tag everything but just wanted to caution that there was great concern that there were things that they did need to take action on today and hoped that they would look at them individually with a clear mind, and Council Member Ellis stated that he knew there were some issues that would be timely and he would not be tagging those items or offering the amendment, but would be offering two amendments on a number of different items today.

After further discussion, Council Member Parker stated that she thought the concern was that there were some items on the agenda that were not contracts, for example, inspection stickers and a purchase order with the State of Texas, things like that, that Council Member Ellis had a specific list of all the contracts and his intention was to do a blanket tag of all the contracts, but the purchase orders and so forth that had no relation to the item he was going to move ahead, and their concern was if Council Member Robinson was planning on tagging those as well, and Council Member Robinson stated 3, 4, 5, 6, 7, 7a, 9, 13, 15, 17, 18, 19, 20, 21, 39, 30, 31, 32, 35, 36, 37, 41, 42, 44 and 45 he tagged, anything else was free to go.

After further discussion Council Member Vasquez asked Mr. Hall if he would look at whether or not it was possible to amend any existing contracts, and Mr. Hall stated that they could not do that, they could cancel them because they had cancellation provisions in many of them.

Mayor Brown stated that they would go back to Council Member Ellis's amendment, that there was a verbal amendment to his written amendment that was not voted on and asked that they go back and get a second on it, and Council Member Keller seconded the motion to amend.

Council Member Keller stated that he wanted to challenge the Controller's office to get them something next week to how they could systemically change and check it every time because basically what he was hearing was that the law did allow them to do it, they did not check all the time was why they did not catch it every time and the reason they did not check was because it was too hard and too big, that the Controller's office was telling him something else, that for \$82,000 they could have the whole thing set up and have a database and they needed it and they had their own money to do it, they did not have to do it through Council, they basically said they needed a letter from the Legal Department and they could have the thing going right away, that he was hearing two different things. Council Member Vasquez absent.

Mayor Brown stated that they would get back to the agenda, that he thought there was general agreement to do something in context of Council Member Ellis's amendment, however they still had to carry out the business of the City and there were some things that needed to be voted on today, that they would go to the agenda and those that were urgent he would advise Council and hopefully get them approved

4. RECOMMENDATION from the Director Department of Public Works & Engineering for approval of final contract amount of \$2,145,606.67 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Construction of Chimney Rock from Luddington to Benning Road, GFS N-0681-01-3 (N-0681-01) - 04.98% over the original contract amount - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Ellis stated that he would like to offer his amendment as previously amended as follows:

A Motion to amend Item No. 4 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 4 and the main Item No. 4 had been tagged by Council Members Ellis and Robinson.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,127,239.04 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Construction of WCID No. 47 Wastewater Treatment Plant Expansion, GFS R-0523-01-3 (4718-01) - 02.92% under the original contract amount - **DISTRICT E – WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 5 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Robinson.

Mayor Brown stated that Item No. 5 had been tagged by Council Members Robinson and Ellis.

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,158,171.67 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of 84-inch water main along Kelley and Gold from east of U.S. 59 HOV Lane to west of UPRR, Contract 6B-1, GFS S-0900-55-3 (WA10628) 00.46% under the original contract amount - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Tatro.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 6 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or

subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Members Robinson and Ellis.

Mayor Brown stated that both the amendment to Item No. 6 and the main Item No. 6 had been tagged by Council Members Robinson and Ellis.

7. ORDINANCE appropriating \$63,034.10 out of Airports Improvement Fund as an additional appropriation for construction of the Hardy Toll Road Connector Flyover at George Bush Intercontinental Airport/Houston (Proj. No. 497B), CIP A-0261, under contract with **CHAMPAGNE-WEBBER, INC, TEXAS**, approved by Ordinance 98-1003 - **DISTRICT B – GALLOWAY** – was presented.

Council Member Vasquez stated that he was aware that it would be tagged by the respective Council Members but had some questions that were outstanding and asked to have a meeting with the director for Item No. 7 and 7a, and Mayor Brown stated they would have someone meet with him.

Council Member Goldberg stated that he did not know what Council Member Vasquez's inquiries were, but he would also tag the item, that his inquiry was why were they paying for a toll way, that the drivers pay for the toll way, he did not understand why the City was paying for it, there was revenue being produced off of the toll road, so why were they paying for it, and asked if someone could answer those questions, and Council Member Keller asked that they add his tag to the item, and Mayor Brown stated that they would get an answer for them.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 7 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Robinson.

Mayor Brown stated that the main Item No. 7 had been tagged by Council Members Goldberg, Keller, Vasquez and Robinson.

- 7a. RECOMMENDATION from Director Department of Aviation for approval of final contract amount of \$6,127,929.29 and acceptance of work on contract with **CHAMPAGNE-WEBBER, INC, TEXAS** for Hardy Toll Road Connector Flyover at George Bush Intercontinental Airport/Houston (IAH), Project 497B, CIP A-0261 - 06.06% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented.

Council Member Vasquez stated that it was the same thing, that he would just like a meeting on some questions that were outstanding and would allow Council Member Ellis to put his amendment on and tag the item eventually.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 7a to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Members Robinson and Vasquez.

Mayor Brown stated that the main Item No. 7a had been tagged by Council Members Robinson, Vasquez and Keller.

PROPERTY

9. ORDINANCE appropriating \$254,685.00 out of Street & Bridge Consolidated Construction Fund Number 437 to pay the amount of the Agreed Final Judgment and all costs of court in connection with the eminent domain proceeding styled City of Houston v. 288 Investment Company, Inc, et al, to acquire Parcel Numbers A98-052 and L98-012, for the **ALMEDA-GENOA ROAD PAVING PROJECT (Almeda Road - State Highway 288)**; GFS/CIP N-0493-00-1 - **DISTRICT D- EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2002-0922 ADOPTED.
- 9a. RECOMMENDATION from City Attorney to settle a lawsuit styled City of Houston v. 288 Investment Company, Inc, et al, Cause No. 731,501, in connection with eminent domain proceeding for acquisition of Parcel A98-52 and L98-12 for the **ALMEDA-GENOA ROAD PAVING PROJECT**; GFS/CIP N-0493-00-1 - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. MOTION 2002-1115 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Lawrence A. Cates, P. E. Lawrence A. Cates & Associates, Inc., on behalf of Target Corporation, a Minnesota corporation (Gregg W. Steinafel, president) for abandonment and sale of a 10-foot wide storm sewer easement, a water and gas line easement, and a water line and water meter easement in exchange for the conveyance to the City of a 20-foot wide water line easement, three water meter easements, four fire hydrant easements, and a 20-foot wide storm sewer easement, all within the Partial Replat of Tract A, Memorial City Subdivision, Section 1, George Bellows Survey, Abstract 3, Parcels SY2-067A, SY2-067B, SY2-067C, KY2-094A through H, LY2-040 **STAFF APPRAISERS - DISTRICT G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Parker. All voting aye. Nays none. MOTION 2002-1116 ADOPTED.

PURCHASING AND TABULATION OF BIDS

13. **INDUSTRIAL ELECTRICAL SERVICES, INC** to Furnish and Install Transformers for Convention & Entertainment Facilities Department - \$36,497.00 - Enterprise Fund - was presented, moved by Council Member Keller, seconded by Council Member Vasquez.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 13 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 13 and the main Item No. 13 had been tagged by Council Member Robinson.

15. **TURF INDUSTRIES (c/o VOPAK)** for Perennial Rye Grass Seeds for Parks & Recreation Department - \$57,597.90 - General and Park Special Revenue Funds - was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 15 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 15 and the main Item No. 15 had been tagged by Council Member Robinson.

16. **TEXAS DEPARTMENT OF PUBLIC SAFETY** for State Inspection Stickers for Houston Police Department - \$28,000.00 - General Fund - was presented, moved by Council Member Keller, seconded by Council Member Vasquez..

Council Member Alvarado stated that according to the backup she had it showed that they were going to spend \$28,000 for inspection stickers, they would purchase them from the State and then they would inspect the cars themselves, and then place the sticker, and asked if the HPD vehicles were not exempt, and Mayor Brown stated that their inspectors were certified to do the inspections, that ultimately they would end up saving money, otherwise they would have to go out and pay some other firm to do the inspections, here they could use their resources and get it accomplished.

A vote was called on Item No. 16. All voting aye. Nays none. MOTION 2002-1117 ADOPTED.

17. **AMEND MOTION #99-2153, 12/21/99 and #2000-407, 3/22/00, TO EXTEND** expiration date from December 21, 2002 to December 21, 2003, for Water Meter Locking Devices Part I and II, for Department of Public Works & Engineering, awarded to **J & L PATTERNS/CAS PAR, MCGARD, INC** and **E. J. BROOKS COMPANY** - was presented, moved by Council Member Sekula-Gibbs , seconded by Council Member Vasquez.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 17 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 17 and the main Item No. 17 had been tagged by Council Member Robinson.

18. **AMEND MOTION #2002-142, 1/30/02, TO APPROVE** Change Order for Rental of Asphalt Road-Patching Trucks for Department of Public Works & Engineering and authorize issuance of purchase order to **HI-WAY EQUIPMENT CO., INC** in an amount not to exceed \$50,625.00 General Fund - was presented, moved by Council Member Keller, seconded by Council Member Parker.

Mayor Brown stated that this was one of the items they needed to approve because the contract was going to expire and they needed to move on it.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 18 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Ellis.

Council Member Robinson stated that in light of what they talked about yesterday at Fiscal Affairs and the article in the paper, he would like for somebody to come and visit with him about the item, that his concern was the amount of asphalt to need and use on a performance basis, if

they accept as true what had been discussed they had already met all the performance goals on the alleged amount of asphalt that was out there, so if that was the case, what was the additional equipment for, and Mayor Brown stated they would have someone visit with him. Council Member Vasquez absent.

Council Member Berry stated that he knew that Public Works needed the trucks. Council Member Vasquez absent.

A vote was called on Item No. 18. All voting aye. Nays none. Council Member Vasquez absent. MOTION 2002-1118 ADOPTED.

19. **SOUTHWEST STAINLESS L.P. d/b/a HUGHES SUPPLY** for Gate Valves, Tapping Valves and Sleeves for Department of Public Works & Engineering - \$227,107.19 - Enterprise Fund - was presented, moved by Council Member Keller, seconded by Council Member Sekula-Gibbs.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 19 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 19 and the main Item No. 19 had been tagged by Council Member Robinson.

20. **SOUTHWEST STAINLESS L.P. dba HUGHES SUPPLY** - \$343,778.00, **HYDRAFLO, INC** \$284,772.00 and **TRUMBULL INDUSTRIES, INC** - \$205,374.00 for Fire Hydrant Repair Parts Contract for Department of Public Works & Engineering - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 20 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 20 and the main Item No. 20 had

been tagged by Council Member Robinson.

21. **AMEND MOTION #2001-899, 8/8/01, TO INCREASE** spending authority from \$650,000.00 to \$910,000.00 for Heil Garbage Truck Bodies Aftermarket Replacement Parts for Solid Waste Management Department, awarded to **WESTERN REFUSE & RECYCLING EQ., INC** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 21 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 21 and the main Item No. 21 had been tagged by Council Member Robinson.

RESOLUTIONS AND ORDINANCES

22. RESOLUTION approving the issuance and sale by **HOUSTON HOUSING FINANCE CORPORATION** of Multifamily Housing Revenue Refunding Bonds Concord At Palm Center Apartments Series 2002A and Subordinate Multifamily Housing Revenue Bonds Concord at Palm Center Apartments Series 2002B and approving the Preliminary Official Statement with respect to such bonds - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Members Tatro, Keller and Sekula-Gibbs.
- 22a. ORDINANCE approving and authorizing: (1) a Subordination Agreement with the **FEDERAL HOME LOAN MORTGAGE CORPORATION**; (2) an Assignment, Assumption and Consent Agreement with **CONCORD AT PALM CENTER, LLC; CONCORD AT PALM CENTER II, LLC; BANK ONE, NATIONAL ASSOCIATION**; and the **HOUSTON HOUSING FINANCE CORPORATION**; (3) a release of lien on leasehold; and (4) an endorsement to Performance-Based Note in connection with the refinancing of the Senior Bond Financing for the Concord at Palm Center Apartments - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Members Keller, Tatro and Sekula-Gibbs.
23. ORDINANCE approving and authorizing contract between the City of Houston and **ACRES HOME CENTER FOR BUSINESS AND ECONOMIC DEVELOPMENT, INC** to provide a grant of Community Development Block Grant Funds in the amount of \$300,000.00 for construction of a Small Business Assistance Center at 6112-1/2 Wheatley Street, Houston, Texas - **DISTRICT B - GALLOWAY** - was presented, and tagged by Council Member Goldberg.
25. ORDINANCE establishing the north side of the 800 block of Merrill Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2002-0923 ADOPTED.

27. ORDINANCE issuing a permit to **MOST REVEREND JOSEPH A. FIORENZA**, Bishop of Galveston-Houston, on behalf of the Diocese of Galveston-Houston for building, constructing, using, occupying, operating, maintaining and repairing a 10-inch Chilled Water Supply Line and a 10-inch Chilled Water Return Line and a 36-inch by 19-inch Electric Duct Bank containing (8) 4-inch conduits within the 1100 block of Jefferson Street, west of San Jacinto Street, and abutting Block 385, S.S.B.B.; being within public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2002-0924 ADOPTED.
30. ORDINANCE approving and authorizing contract between the City and **GULF COAST CONCESSIONS AND CATERING** for Food and Beverage Concessions at Brock Park Golf Course and Sharpstown Park Golf Course - 2 Years with three one-year options - Revenue **DISTRICTS B - GALLOWAY and F - ELLIS** - was presented.

Council Member Ellis stated that they were going to move to his amendment labeled Form B, which was the second page, and it was a different amendment and offered the following:

A Motion to amend Item No. 30 to exclude the City from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information.

Council Member Goldberg stated that just to make clear exactly what ad valorem taxes they were talking about to add the phrase, "by the aforementioned entities" after the phrase "if any ad valorem property taxes", and Council Member Ellis stated that he would accept that as a friendly amendment. The motion to amend Item No. 30 as revised was seconded by Council Member Parker and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 30 and the main Item No. 30 had been tagged by Council Member Robinson.

31. ORDINANCE approving and authorizing amendment to contract between the City of Houston and **PRICewaterhouseCOOPERS, L.L.P.** and providing additional funding for Professional Litigation Support Services - \$150,000.00 - General Fund - was presented.

Mayor Brown stated that this was one that was critical, that they were mandated by the court to produce certain information and as they knew this was before them earlier and the Legal Department indicated that they would be coming back for additional resources, money to do this, that as to the agreement they had right now if they could not do it with the amount of money, it was being proposed that they would do it with their own resources.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 31 to exclude the City from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property

taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Ellis.

Council Member Tatro stated that he would tag Item No. 31 and Mayor Brown stated that he wanted again to stress the importance of the item, they had been mandated by a judge in the federal court to produce certain information and the only way they could do it was to have this firm, who had been working on it, accomplish the objective, so they certainly would hope that Council Member Tatro would not tag the item because they had to get the work done, and Mr. Hall stated that he would add that it would be virtually impossible for them to comply with the court order without the information that they were to produce for them, that was what they were hired for to give to the court, that they had been in the court room and understood what they were to provide, they did not have the capacity to provide it and so he would plead with the Council Member, that this was to develop the information to respond to the order that the court gave them, and they indicated to the Council Members that they would be back, and Council Member Tatro stated that he appreciated that, but the item seemed to have a thousand life's, that he appreciated the methodology if they believed they needed to solve it, that he thought that had they elected earlier to seek help from F&A and possibly the City Controller to calculate these they could have opted for that avenue, that the administration had clearly opted to use an outside firm to do these calculations and he thought a vote of Council to reject it was a statement suggesting that their course had been incorrect, they should have incorporated probably cheaper accountants, but they could have incorporated some way to do this in house, that he did not intend to remove his tag and hopefully they would be successful in turning this down.

Council Member Robinson moved to override Council Member Tatro's tag of Item No. 31, seconded by Council Member Parker.

Council Member Goldberg moved to take Item No. 31 up at the end of the agenda, and Mayor Brown stated that they already had a vote going.

A roll call was called on Council Member Robinson motion to override the tag of Item No. 31.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting no
Council Member Tatro voting no	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting aye
Council Member Keller voting no	MOTION 2002-1119 FAILED.

Council Member Ellis stated that while it was not his intention to override one of his colleague's tags he would encourage Council Member Tatro to pull down his tag so they could vote on the item and if he planned to vote no he concurred with Council Member Robinson that they could have a vote on the item and the issue at this time.

Council Member Sekula-Gibbs asked Council Member Tatro if he would consider removing his tag on Item No. 31 because it would be two weeks before the item would come back up again, and Council Member Tatro stated that he would consider it for the remainder of the meeting.

Note: Council Member Tatro released his tag of Item No. 31 later in the meeting.

32. ORDINANCE approving and authorizing contract between the City of Houston and **CALLIER & GARZA, L.L.P.** for Legal Services related to a lawsuit styled Carlos Dale Speck, III, et al v. City of Houston and Kenneth Wenzel, U.S. District Court, Southern District of Texas, Houston Division, Civil Action H02-0236 - \$45,000.00 - Property and Casualty Fund - was presented.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 32 to exclude the City from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker, and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 32 and the main Item No. 32 had been tagged by Council Member Robinson.

35. ORDINANCE awarding contract to **ZEBEC DATA SYSTEMS, INC** for On-Line Motor Vehicle Registration Information Services for Municipal Courts-Administration Department; providing a maximum contract amount - 3 Years with two one-year options - \$157,700.00 - General Fund - was presented.

Mayor Brown stated that he wanted to point out again, they had some extensive discussion about collecting the revenue and this was an important part of a database that would allow them to achieve that objective and they needed to also pass this item today.

Council Member Alvarado stated that she wanted to support the Mayor's comments, they had talked about this at length starting with the budget process and thought it was a very important component for the Municipal Courts to obtain the names and addresses of the vehicles issued parking citations and to initiate billing and collections, the longer they delayed this they would continue to lose money so she would urge her colleagues to allow them to vote on the item.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 35 to exclude the City from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker, and tagged by Council Member Ellis.

Council Member Ellis stated that he would also like to know who the principles were, Ziebec Data Systems, Inc. and anybody who had a 10% or more ownership in that corporation, that if he could find that out he would not be hesitant to move forward, and if they owed any ad valorem property taxes, and Mayor Brown stated that they would get that information for him.

Council Member Sekula-Gibbs stated that she was speaking in support of the ordinance, that it was vital that they have it for the Municipal Courts collections, and would also call attention that it was a shame that it had taken so long to come up. Council Members Parker and Berry absent.

Council Member Robinson stated that he did not intend to tag the item but he was not going to hold his breath that this was going to be the solution to improving what they were doing at the Municipal Courts because based on the discussion they had yesterday, this was not the real issue. Council Member Berry absent.

A vote was called on Item No. 35. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0925 ADOPTED.

36. ORDINANCE appropriating \$165,190.05 out of Water & Sewer System Consolidated Construction Fund and \$219,000.00 out of Housing and Homeless Consolidated Construction Fund and approving and authorizing a Developer Participation contract between the City of Houston and **TCH LAND, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines in the Kingspoint Gardens Subdivision, CIP S-0800-68-03 and R-0800-68-03 - **DISTRICT E - WISEMAN** - was presented.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 36 to exclude the City from entering into a contract or

agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker, and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 36 and the main Item No. 36 had been tagged by Council Member Robinson.

37. ORDINANCE appropriating \$230,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 1 to professional engineering services contract between the City of Houston and **COBB, FENDLEY & ASSOCIATES, INC** for Miscellaneous Projects for the Houston Airport System, Project No. 409I, CIP A-0138, A-0489 and A-0490 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** - was presented.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 37 to exclude the City from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker, and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 37 and the main Item No. 37 had been tagged by Council Member Robinson.

NON CONSENT AGENDA - NUMBER 39

MISCELLANEOUS

39. RECOMMENDATION from Director Department of Public Works & Engineering to **AMEND MOTION #2002-890, 7/31/02** to reflect the correct final contract amount of \$1,203,136.62 on contract with **RAY SMITH CONSTRUCTION, INC** for Construction of Woodridge Improvements, IH-610 South Loop to Winkler, GFS N-0695-01-3 (SB9013) - **DISTRICT I - ALVARADO REQUIRES THREE MOTIONS** - was presented, moved by Council Member Ellis, seconded by Council Member Tatro.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 39 to exclude any payment to any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned

entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker and tagged by Council Member Robinson.

Mayor Brown stated that both the amendment to Item No. 39 and the main Item No. 39 had been tagged by Council Member Robinson.

MATTERS HELD - NUMBERS 40 through 46

40. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 - **(This was Item No. 1 on Agenda of September 25, 2002, POSTPONED BY MOTION #2002-1094)** - was presented. All voting aye. Nays none. Council Members Goldberg and Parker absent. MOTION 2002-1120 ADOPTED.
41. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt 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 - **(This was Item No. 4 on Agenda of September 25, 2002, TAGGED BY COUNCIL MEMBERS KELLER and ELLIS)** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Members Parker and Sekula-Gibbs absent.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 41 to exclude the City from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Tatro, and tagged by Council Members Galloway and Robinson. Council Members Parker and Sekula-Gibbs absent.

Council Member Goldberg moved to postpone Item No. 41 until the next Council meeting, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Parker and Sekula-Gibbs absent. MOTION 2002-1121 ADOPTED.

42. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **A B DICK CO.** for Print Shop Supplies for Various Departments - \$123,474.42 - General and Central Service Revolving Funds - **(This was Item 15 on Agenda of September 25, 2002, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. Council Member Parker absent.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 42 to exclude the City from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Galloway, tagged by Council Member Robinson. Council Member Parker absent.

Council Member Goldberg moved to postpone Item No. 42 until the next Council meeting, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Parker absent. MOTION 2002-1122 ADOPTED.

43. 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 - (This was Item 16 on Agenda of September 25, 2002, TAGGED BY COUNCIL MEMBER TATRO) - was presented. All voting aye. Nays none. ORDINANCE 2002-0926 ADOPTED.
44. 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 - **(This was Item 34 on Agenda of September 25, 2002, TAGGED BY COUNCIL MEMBER ALVARADO)** - was presented.

Council Member Ellis stated that he would offer his amendment labeled Form B, seconded by Council Member Robinson, and Council Member Ellis stated that he would withdraw his amendment.

Council Member Alvarado stated that last week she expressed her disappointment that the program was not targeting elementary schools, where she felt that the earlier they could reach kids the more likely they were to prevent them from smoking, that she had a chance to meet with the folks from the American Lung Association, that she was going to support the item because she thought it was important, however she would hope that in the future when they intervene in programs like this that they target elementary schools and younger kids.

A vote was called on Item No. 44. All voting aye. Nays none. ORDINANCE 2002-0927 ADOPTED.

45. 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 - **(This was Item 35 on Agenda of September 25, 2002, TAGGED BY COUNCIL MEMBERS EDWARDS, TATRO, QUAN and KELLER)** - was presented.

Council Member Parker asked for a point of personal privilege and stated that during the course of debate on the item she came to believe that she might have a conflict of interest due to her ownership of a company representing multiple clients, she thought one of those clients was a subcontractor in one side of the deal and after research it was clear that she was mistaken that no previous or existing client was involved in any way in the contract, that she did however have a conflict of interest on the next contract they were going to be considering, which was the

retail side and would reclude herself from all the debate and votes on that side.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 45 to exclude the City from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Vasquez, tagged by Council Member Robinson.

Council Member Tatro stated that he passed out an amendment to Council Members, that it was in writing but he planned to give the gist of it, that first he wanted to talk about the process that he planned to be following to institute the amendment and how they planned to have the item come about and offered the following:

"Written Amendment to Agenda Item 45: Ordinance Approving and Authorizing a Food and Beverage Concession Agreement at William P. Hobby Airport between the City of Houston and CA One Services, Inc.

The City Council hereby authorizes and directs the administration to prepare a food and beverage concession agreement with 4 FAMILIES OF HOUSTON, JV for the food and beverage concession at William P. Hobby Airport containing substantially the same terms and conditions as the proposed food and beverage concession agreement with CA ONE SERVICES, INC., including the levels of compensation currently proposed by CA ONE SERVICES, INC. The changes to the agreement shall reflect only the differences in the parties and the respective members of the teams. The new contract shall be placed on the agenda no later than October 23, 2002 council meeting."

Council Member Tatro stated that he understood that Mr. Hall, in a letter, had sent around a statement that any amendment to this contract could possibly violate the Open Meetings Record Act therefore it was his intention after submitting the amendment, which was in writing, to tag the amendment, taking it off the table for deliberation so it would appear on the Council agenda in two weeks, avoiding the Open Meetings Record Act problem about the posting, because the amendment would not be voted on today, that it would appear in two weeks with Council's support with the main item, that it was also his intention to delay the main item, therefore having both the amendment and the main item come to Council in two weeks, that he believed it was the ability of Council to amend the ordinance, that at this time he offered the written amendment to agenda Item No. 45 and would ask for Council's support of the item and support to delay the issue until the next Council agenda, and Council Member Quan tagged the motion submitted by Council Member Tatro.

Mayor Brown stated that he would ask Mr. Hall to address the legality of the amendment put forth by Council Member Tatro, and Mr. Hall stated that Council Member Tatro by his own statement had kind of engaged in rather perverted logic, he was saying that he would put it up on the agenda and tag it and remove, that the point was that he could not put it on the agenda if it was not a posted item, they could not consider it, they could not tag something that they were not considering, they could not tag an item that was not before Council, he could not put it before Council if it had not been posted, that was very clear and nothing confusing about that, he could not say he was going to put it up for the purpose of tagging it, there was no obligation for

anybody to do that, to get something on the Council table, State law required that the subject matter of the item had been posted so that it gave notice to everybody, that they could not put an item up for consideration by Council that would be eligible for a tag without it being properly posted.

Council Member Tatro stated that he would respectfully disagree with Mr. Hall's interpretation, that what was before them was an ordinance and an ordinance could be amended by Council, it was an ordinance to request that the Mayor proceed with the concessions agreement for a particular team, that the City Charter did not explicitly limit Council's ability to offer a motion to amend and what was before them was a contract for concessions at Hobby Airport, that he was amending that contract, plain and simple, he was changing a party, but that was all, that to suggest that it had not been posted or was somehow a forth dimensional amendment was silly, that he was only substantively changing the party so everything on the table was posted except the party and that was why he was tagging his own amendment because at the next Council session they would avoid even the conflict of the Open Meetings Record Act. Council Members Vasquez and Robinson absent.

Mr. Hall stated that he could understand how Council Member Tatro could be confused about it, what was governing this had nothing to do with the City Charter, the Open Meetings law was a State law it was not the Charter, they were not talking about the City Charter, that State law said that the subject matter that was going to be considered by the Council had to in fact have been posted 72 hours in advance, they could not put it up for consideration and tag it and say well that way it did not need to be posted, that, he thought on its face, everybody understood what it was, they could not put it up to be tagged if it was not up for consideration, there was no logic that would allow that, that was the issue here, it had nothing to do with the Charter. Council Members Vasquez and Robinson absent.

Council Member Wiseman stated that she would yield a portion of her time to Council Member Tatro. Council Members Vasquez and Robinson absent.

Council Member Tatro asked Mr. Hall if he was suggesting that any change, outside of the CA One name, was against the State law and Mr. Hall stated exactly, and Council Member Tatro stated that the City Charter did not explicitly limit Council's ability to amend, and to suggest what the subject matter being a concessions contract at Hobby Airport, that it was just an amendment it was not a substitution motion, that to suggest that an alternate substitution of a vendor was illegal because of State law when this was a Council agenda, he found to be amazing, and Mr. Hall stated that he understood, and he could not speak to what amazes him but he would read the posting to him, it said, "enact an ordinance approving and authorizing a food and beverage concession with CA One Services for William P. Hobby Airport", that spoke for itself, and Council Member Tatro stated that Mr. Hall was suggesting that a substitution of CA One Services was illegal, and Mr. Hall stated that he was not suggesting, he was saying it, that he was saying that it was not posted, and Council Member Tatro stated that he did not see how State law went to their amending City ordinances when a City ordinance was a policy, it was a statement of policy, and they by crafting that, and he believed the last time he checked they were the legislative branch, and by changing that it was outside their jurisdiction, this was a policy issue, and Mr. Hall stated that it did not speak to whether it was policy issue or whatever it was, it did not make any difference what it was, for an item to be considered by the City Council, as he remembered they had said that they could not even pass it around to sign it, mainly the District Attorney said that, that if it was going to be considered it had to be posted, it was just that simple, and Council Member Tatro stated that they posted a concession agreement, that it was at Hobby Airport and they posted that it was a vendor, and Mr. Hall stated that was Council Member Tatro's legal opinion. Council Members Vasquez and Robinson absent.

Upon questions by Council Members, Mr. Hall stated that this was very fact specific, it depended on what the posting said, it had to be within the notice provision of the actual posting, that for example if the posting said the Houston Airport System was requesting Council approval

of a concession agreement, then obviously they could put anyone there that they wanted, but that was not what it said, and Mayor Brown stated that the day labor issue was a budget amendment and that was done during the discussion of the budget, and Mr. Hall stated that the posting said that it was to award a contract to CA One Services, Inc., the issue would be whether or not they were awarding to somebody else, that the issue for determination was whether or not fair notice, they were still talking about the State law and whether or not there was fair notice, that it would be difficult, he thought, for anybody to argue that if in fact they were talking about awarding the contract to a joint venture, CA One, that substantially had all of the folks in it, that he had been told that Mr. Bush represented 3%. Council Members Galloway, Goldberg and Robinson absent.

Council Member Parker stated that she actually had the ability to tag the item because she was absent on City business last week, however she was not inclined to do so if all they were going to do was replay the inevitable two weeks from now, that she had a procedural question, was it possible for Council to pass a motion to delay the main item for the purpose of allowing fair notice of substitution, that basically they were delaying the item for two weeks for the purpose of allowing a substitution of concessionaire and asked that Mr. Hall explain why that would not work, and Mr. Hall stated that if Council delayed it and wanted to consider something else at some later point it would be a question of whether or not it was posted for consideration, and Council Member Parker stated that if a majority of Council voted to delay the item for the purpose of changing the posting so that it would have a broader posting which covered the fair notice issue, and Mr. Hall stated that the question would be whether or not the Mayor and the Aviation Department were willing to make another recommendation or to post something else, that he thought that was the substance of what she was asking, that it was a posting issue not the delay, and Council Member Parker asked if Council had the ability to direct, and Mr. Hall stated that the City Attorney's office had always argued that Council could not, based on the Charter, direct the administration to do anything, that he thought they had gotten those opinions from previous City Attorney's and himself, in administrative matters they were talking about. Council Member Galloway absent.

Council Member Edwards asked what was the point of the discussion and Mayor Brown stated that the only thing before them at this point was Item No. 45, which was the administration's recommendation to award the contract to CA One, but what Council Member Tatro had done was to put forth an amendment to substitute 4 Families for CA One, and Council Member Edwards stated that in reality they were trying to award the contract at the Council table and Mayor Brown stated that was what it boiled down to. Council Member Galloway absent.

Upon questions by Council Member Vasquez, Mr. Hall stated that the issue was not Council's authority, the issue they were discussing, so it was real clear, and he tried to explain to Council Member Tatro, was not the substance of his amendment, that was not the issue, it was not whether his amendment was or was not proper in terms of its substance, that was not the question, it was a question of whether or not notice had been given that awarding the contract to anybody other than CA One would be discussed at the Council meeting, that for those Council Members who were interested in not giving the contract to CA One would have to vote it down or they would have to get the Mayor to agree to post something different than CA One, that going to the Mayor was not the only option because any three Council Members could call a special meeting and with eight Council Members there they could vote it in, that he had indicated to Council Member Parker that it had happened once. Council Member Galloway absent.

Council Member Parker stated that she had made up her mind on how she was going to vote on the item and actually suspected that it was opposite from how Council Member Tatro was going to vote, but there were two things going on and one of them was the ability to try to preserve the prerogatives of Council to make the best decision for the City and it appeared to her that Council was being stymied or limited in its ability to consider the full range of choices so she thought it was operating on two levels, and Council Member Edwards stated that her whole position was not only did it have to be right, it had to look right, so what she had said was that

they had to look at the process, but thought, in her opinion, that it was being corrupted by who people were voting for as opposed to looking at what they were doing. Council Member Alvarado absent.

Council Member Robinson moved to delay Item No. 45 until the next Council meeting, seconded by Council Member Tatro.

A roll call vote was called on the motion to postpone Item No. 45 until the next Council meeting.

ROLL CALL VOTE:

Mayor Brown voting no	Council Member Vasquez voting aye
Council Member Tatro voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Parker voting aye
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Ellis voting aye	Council Member Robinson absent
Council Member Keller voting aye	MOTION 2002-1123 ADOPTED

Mayor Brown stated that the item was delayed for two weeks which would be the next Council meeting. Council Members Wiseman and Robinson absent.

Council Member Vasquez asked for a point of clarification and asked if Council Member Tatro's amendment and the main item would appear in two weeks, and Mr. Hall stated that they would get the Mayor an opinion by that time and Mayor Brown stated that he did not rule it out of order so it would be posted. Council Members Wiseman and Robinson absent.

46. 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** - (**This was Item 39 on Agenda of September 25, 2002, TAGGED BY COUNCIL MEMBERS ALVARADO, ELLIS, VASQUEZ and SEKULA-GIBBS**) – was presented.

Council Member Ellis stated that he would offer his amendment as previously amended as follows:

A Motion to amend Item No. 46 to exclude the City from entering into a contract or agreement with any individual, company, corporation, LLP, LLC, general partnership, limited partnership or individual, principal or subcontractor of any legal entity, if any ad valorem property taxes, by the aforementioned entities, are over twelve months delinquent and owed to the City of Houston, Harris County or any school district in Harris County.

It is the responsibility of those wishing to do business with the City of Houston, or receive payment from the City of Houston to prove their principals do not owe any delinquent taxes. The City Controller's office and the Director of the department requesting for council action must verify and approve all information. Seconded by Council Member Parker, tagged by Council Member Edwards. Council Member Robinson absent.

Council Member Keller moved to postpone Item No. 46 until the next Council meeting, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Robinson absent. MOTION 2002-1124 ADOPTED.

Council Member Alvarado stated that she wanted to see if Council Member Tatro was

going to remove his tag on Item No. 31, and Council Member Tatro stated that he would remove his tag on Item 31. Council Member Robinson absent.

Mayor Brown stated that Council Member Tatro removed his tag on Item No. 31. Council Member Robinson absent.

31. ORDINANCE approving and authorizing amendment to contract between the City of Houston and **PRICEWATERHOUSECOOPERS, L.L.P.** and providing additional funding for Professional Litigation Support Services - \$150,000.00 - General Fund - was again before Council. Council Members Tatro, Wiseman, Keller and Berry, balance voting aye. Council Member Robinson absent. ORDINANCE 0928 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Vasquez stated that the Heights Festival would take place on Sunday on Heights Boulevard between 14th and 20th Streets from 12:00 p.m. to 6:00 p.m., that it was a rain or shine type of event, that there would be over 200 booths, food, crafts and lots of games for the kids and there was also a parade, it would start at 1:00 p.m. at 20th Street and head south on Heights Boulevard, there would be floats designed and built by residents, businesses and community groups, as well as marching bands, art cars and vintage autos, that it was the 26th year of the Heights Festival and would encourage everyone to come out, the Heights was a very good neighbor with lots of community and they were very proud of their community. Council Members Galloway, Ellis and Robinson absent.

Council Member Sekula-Gibbs stated that the last day to register to vote was October 7, 2002, that everyone should be aware of that so please do register to vote, that early voting begins on October 19, 2002 and the big election was on November 5, 2002. Council Members Galloway, Ellis and Robinson absent.

Council Member Parker stated that she had the privilege of representing the City out of the Country last week at the World Energy City's Partnership Meeting and during the course of that meeting, which dealt with oil and gas issues for the City of Houston and the other cities that were participating, the international oil and gas newspaper called Upstream came out with its weekly issue and it featured an 8 page special report on the City of Houston and its importance to the Oil and Gas Industry and also talked about Houston's participation in the conference, that she thought they had some really great coverage internationally from it and wanted to offer them a copy of it and tell them that everything went very well. Council Members Galloway, Keller and Robinson absent.

Council Member Alvarado stated that along the lines of the deadline for voter registration she wanted to announce that NALEO along with the Houston Chronicle, Univision, El Dia and Hispanic Broadcasting Corporation would host a voterthon this weekend at several Fiesta locations so they encouraged the public who was not registered to please go out and vote and wanted to thank the corporate sponsors who were participating. Council Members Galloway, Keller and Robinson absent.

Council Member Ellis stated that he wanted to go back to something he talked about last week with Add a Can and Tags for Bags Program, there seemed to be a lot of confusion and so forth, they had constituents calling in and were very upset because there was some misunderstanding they believed that for their grass clippings and so forth they were going to have to pay an additional dollar per bag to have them hauled of and it was his understanding after talking to Mr. Buchanan that was not the case, but they needed to send out in the water bill to clarify the position and to clarify where they could go and get their tags for the additional bags if they did not want to purchase a second can, that they could go to the website to order the tags, www.houstonsolidwaste.org, that instead of having to purchase a second garbage cans at \$7.50

per month, if they were going to have additional garbage or waste they could buy the tags and for one dollar place it on one of the bags, that they could enter an agreement with their neighbor, such as he had, that if they had additional garbage they could put it in their neighbors garbage. Council Members Galloway, Alvarado, Berry and Robinson absent.

Council Member Goldberg stated that in regards to the Solid Waste Department, they had a transfer station that was in District C and the smell had been emanating and they got a lot of complaints, that they brought forth a proposal about a year ago from a company that would deodorize it and create what were called air barrier doors, that the Solid Waste Department took a look at it and liked the idea but thought they would not use that proposal, they would try and find someone on their own, that was at least six or seven months ago, that he was told finally the air barrier doors had arrived and should be installed by next week so that two weeks from now he would be glad to tell everybody that the doors were finally up and citizens around that area would no longer have the odors that were plaguing them, and Mayor Brown stated that they were working on the issue and he had been out there himself and spoken with the landlord next door, that he had Legal, Solid Waste and the Health Department working on it. Council Members Galloway, Keller, Vasquez, Alvarado, Berry and Robinson absent.

Council Member Edwards stated that she wanted to thank her colleagues for voting for agenda Item No. 9, that Alameda-Genoa had been a real problem for their district over the years and they were finally getting some movement on that. Council Members Galloway, Keller, Vasquez, Alvarado, Berry and Robinson absent.

Council Member Edwards stated that on Item No. 45 she knew who she was going to vote for on the issue and thought that everyone else knew who they were going to vote for and as she stated earlier it was her concern, that she got a lot of calls about what was perceived to be happening at Council, so she thought they needed to realize that it not only had to be right, it had to look right, and what they did on television kind of helped shaped people's opinion as to what was being done at City Hall. Council Members Galloway, Keller, Vasquez, Alvarado, Berry and Robinson absent.

Council Member Edwards stated that she wanted to thank Ms. Marlene Gaffrick and Mr. Gary Bridges who were very instrumental in helping a young businessman in District D get his business on line, that he was almost at the point of being shutdown and the young man was disabled and 31 years old and had been in business for himself for the last 5 to 6 years and she wanted to thank them for getting his business on point so that it could be a continuing asset to the community. Council Members Galloway, Vasquez, Alvarado, Berry and Robinson absent.

Council Member Edwards stated that Channel 26 was once again stepping up to the plate and Mayor Brown would be featured on their first Friday regarding the HIV Task Force that was being done, so they needed to tune in if they could, it would be Friday at 8:00 p.m. Council Members Galloway, Vasquez, Alvarado, Berry and Robinson absent.

Council Member Edwards stated that regarding voting registration, their office along with the Breakfast Klub on West Alabama and Travis, and Magic 102 would be holding a GO TV voter registration and Magic 102 would be broadcasting live, she was encouraging them all to come out and be on the air to encourage the citizens of Houston to come out and get registered, that Friday was the last day to register to vote, that they were making a special emphasis who were ex felons who "off paper" and were eligible to vote and also homeless people, who did have the right to vote and so this Friday from 10:00 a.m. to 2:00 p.m. there would be a live broadcast. Council Members Galloway, Vasquez, Alvarado, Berry and Robinson absent.

Mayor Brown stated that he wanted to remind everyone that next week there would be no Council meeting, that was the recess for the City Council and they would convene Council again on October 15, 2002.

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

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary