

City Council Chamber, City Hall, Tuesday, February 18, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 18, 2003, 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. Paul Bibler, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:01 p.m. Mayor Brown stated that Council would begin with the presentations with Council Members Alvarado and Edwards. Council Members Galloway, Keller, Vasquez, Parker, Sekula-Gibbs and Robinson absent.

Council Member Alvarado stated that she and Council Member Edwards were present to celebrate the 33<sup>rd</sup> anniversary of the SHAPE Community Center and invited Mr. Deloyd Parker to the podium. Council Member Edwards stated that for many the SHAPE Center was synonymous with community work, service and change and ground zero for activities regarding all issues of police brutality civil justice, education and health issues, etc. Council Member Alvarado stated that she and Council Member Edwards appreciated Mr. Parker and presented him with a proclamation for all he and the SHAPE Community Center had done. Mr. Parker thanked Council and stated that the SHAPE Center stood for peace and he was asking for a resolution in lieu of the proclamation, something to show that Council was against war and for peace. Council Members Vasquez and Robinson absent.

Council Member Galloway stated that she was honored to present a proclamation to a man who lived in the Pleasantville area many years and contributed much to the community and invited Mr. Talmadge Sharp and his family to the podium. Council Member Galloway stated that Black History Month was a celebration which promoted a spirit of harmony and cooperation and reminded all of the historical freedom in this country and presented Mr. Sharp with a proclamation for his many achievements and deep commitment to public service and proclaimed Tuesday, February 18, 2003, as "Talmadge Sharp Day", in Houston, Texas. Mr. Sharp thanked Council for the proclamation and stated that he had nothing but respect for city government and that the Pleasantville community had as much to do with this recognition as he did. Council Members Tatro, Vasquez and Robinson absent.

Council Member Quan stated that the key element in city growth was planning and that depended on knowing where everything was; that this was National Surveyors Week and invited Mr. Alan McLain, president of the Gulf Coast Chapter of Texas Society of Professional Surveyors to the podium. Council Member Quan presented Mr. McLain a proclamation for surveyors designing the cities, streets, etc., and proclaimed February 17 through February 23, 2003, as "Gulf Coast Chapter of Texas Society of Professional Surveyors Surveyor Week", in Houston, Texas. Mr. McLain stated that some of the most precious rights in this nation was freedom and the right to own land; that surveyors played an intrical part in those rights by establishing boundaries and accepted the proclamation on behalf of all surveyors. Council Members Vasquez and Robinson absent.

At 2:15 p.m. Mayor Brown called the meeting to order and Council Member Goldberg invited Rabbi Joseph Radinsky with the United Orthodox Synagogue to lead everyone in prayer and Council Member Goldberg led everyone in pledging allegiance to the flag. Council Members Vasquez and Robinson absent.

At 2:28 p.m. the City Secretary called the roll. Council Members Vasquez and Robinson absent.

Council Members Keller and Galloway moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Vasquez and Robinson absent.  
MOTION ADOPTED.

Mayor Brown requested the City Secretary to call the list of speakers.

Council Member Edwards moved to suspend the rules to hear Mr. Andre Malveaux, Mr. Douglas Towne, Mr. Samuel Bynum, Mrs. Karen Jacobs, Ms. Ruth Terry, Ms. Kim Phillips and Mr. Andre Wells after Mr. James Baker, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Vasquez, Quan and Robinson absent. MOTION 2003-0146 ADOPTED.

Mr. James Baker, 8484 Gulf Freeway, Houston, Texas 77017 (1-800-253-2690) appeared and stated that he had flown from Baltimore today on an issue he felt strongly about; that Council was responsible for providing the highest level of safety for firefighters and he had once been a firefighter and understood how critical it was to maintain their protective clothing and that was why he founded National Safety Clean, Inc., their clothing was their first line of defense and the contract, Agenda Item 43, dealt with care and maintenance of their protective clothing, but the individuals responsible for the bid award had ignored both industry standards and OSHA requirements as the competitor did not have facilities to insure no cross contamination and it did not provide for capture and containment of contaminants prior to wastewater entering the Houston sewer system and that was wrong; that his company had been the provider of the services since the Fire Department originally bid in 1999 and they clearly understood the issues; that they were also the only cleaning and repair company appointed to the National Fire Protection Association Standards Committee for the 1851 standard which was the standard for protective clothing maintenance adopted into law by the Texas Fire Commission; that his company was the low bidder but mysteriously it was awarded to their competitor as a bid item had been thrown out that vendors at the pre-bid were told would be part of the final evaluation. Council Members Galloway, Goldberg, Vasquez, Alvarado and Quan absent.

Council Member Ellis stated that he met with Mr. Baker, but did not know if he had the opportunity to review the letter passed to Council; that it seemed his competitor had a number of contracts with large fire departments and if his allegations were true he knew Council Members would want to halt the contract and evaluate it; and upon questions, Mr. Baker stated that it could be misleading to talk about departments you provided services for, one specific item said you must provide a department which you provided the same type of scope and concept program for so though they were large it could be misleading; that the biggest issue was the cross contamination issue and he would suggest they visit their facilities, but the facility used by his competitor was one large room with the contaminated garments going into the same room the cleaned garments were stored and that allowed for cross contamination which was a very serious concern. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker, Quan and Berry absent.

Mr. Andre Malveaux, 12611 Vitry Ln., Houston, Texas 77071 (713-885-0160) appeared and stated that he was present regarding the Chocolate Bayou Festival, March 1 and 2, 2003, which was an initiative brought to him by Council Member Edwards in an attempt to do something historically and culturally significant in the Sunnyside neighborhood and invited everyone to the festivity. Council Members Galloway, Goldberg, Vasquez, Alvarado, Parker and Quan absent.

Council Member Edwards thanked Mr. Malveaux for his assistance and expertise and all those who helped in contributing to the event. Council Members Galloway, Vasquez, Parker and Quan absent.

Mr. Douglas Towne, 9951 Twelve Way North #201, St. Petersburg, Florida 35716 (727-578-4440) appeared and stated that for the last few minutes he had heard about civil rights and community and there was no difference in new technology access questions for the disabled, it was a civil rights issue; that tomorrow at the committee meeting he would raise specific points, but they needed to know Mr. Lewis was making decisions based on a false premise which was

not his fault; that there was a document by Cisco which raised many questions and made many statements about accessibility and most were so outrageous and nonfactual that as of yesterday the company's attorney ordered it withdrawn and destroyed; and urged Council Members to think of this as a civil rights issue and step back and take another look at the subject of Voice Over IP in communications with people with disabilities, equal access. Council Members Galloway, Vasquez, Parker and Berry absent.

Council Member Sekula-Gibbs stated that last time he was present he brought to Council Members attention there was no legal requirement that Voice Over IP have any special consideration; that her office discussed it with Mr. Lewis and she discovered there had been no needs assessment done on the project and he said they would do that assessment after the contract was issued so it seemed the cart was placed before the horse and she would like to speak with him more tomorrow. Council Members Galloway, Vasquez, Parker and Berry absent.

Mayor Brown stated that as indicated tomorrow there would be a hearing on the subject or at least a briefing, at 2:00 p.m. before the TTI Committee and he could continue discussion on it at that time. Council Members Galloway, Vasquez, Parker and Berry absent.

Council Member Robinson stated that he and Council Member Sekula-Gibbs had asked for technical information about what it was technically each vendor was able to do now in terms of delivering equal access to the disabled community on their equipment so they could have a comparison. Council Members Galloway, Goldberg, Vasquez, Parker and Berry absent.

Mr. Samuel Bynum, 826 Richmond, Houston, Texas 77098 (713-666-7368) appeared and stated that he was an advocate for all disabilities and was present as a follow-up to what Mr. Towne said; that the disabled community could not standby and support the purchase of a system they could not use; that it was not a matter of what company or how much it cost they only wanted access, equal access. Council Members Galloway, Goldberg, Vasquez, Sekula-Gibbs, and Berry absent.

Mrs. Karen Jacobs, 14609 South Main, Houston, Texas 77035 (713-687-1411) appeared and stated that she was present once again asking Mayor Brown to direct the City of Houston Health Department director to issue their temporary food vendor permit with a 10 day grace period; that today was the last day to pay for their vendor permit and asked Mayor Brown to please help. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mayor Brown stated that there was no lack of sympathy with the plight they found themselves in, they did conduct an audit and thought they had a resolution, but the Legal Department said it could not be done; and upon questions, Mr. Bibler stated that the matter had been researched and they could not do what was being asked. Mayor Brown stated that it would not help them this year, but they would continue to visit the matter and it might bring changes and help next year. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Council Member Ellis stated that if it was phrased where Council would come back and put a mandatory 10 day cap on permits, not charge for days 11 though the ending day; and Mr. Bibler stated that the ordinance needed to be enforced as written unless amended and this was the last day for permits so they could not grant them a grace period or fee reduction or give permits on credit. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Council Member Ellis moved to suspend the rules to hear from Ms. Gloria Moreno, seconded by Council Member Parker. All voting aye. Nays none. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent. MOTION 2003-0147 ADOPTED.

Mayor Brown asked Ms. Moreno if there were anything in the rules that would allow day-

by-day payment on permits; and Ms. Moreno stated that the rule was that a permit should be purchased seven days in advance of the event, that time period gave them time to plan and get inspectors ready to go to the various sites; that normally people bought permits for the whole time period of the event, she was not aware whether they were bought piecemeal. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Vasquez, Ms. Moreno stated that fees were voted on in the budget process and she believed Mr. Bibler was saying they could not do what was being asked without modifying changes to the food ordinance. Council Members Galloway, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Vasquez, Mr. Bibler stated that he recommended if Council Members had a concern they send the counters back out to check their work, but if there was nothing wrong he knew of no basis to change it and he did not know how they could say that it cost so much to send them out the first 10 days and cost less to send them out on days after that point so where would the rational basis be to do the last days free. Council Member Vasquez stated that he felt there was enough sentiment around Council to revisit the item and urged Council Member Ellis to take it up in the Regulatory Affairs Committee. Council Members Galloway, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards, Mr. Bibler stated that he hoped no one was talking of making exception and treating different groups differently, but that whatever they were going to do they would change the ordinance, but he had not heard of a way to do that without going back and asking the people who did the accounting analysis to look at it again; and he knew of no way to give people refunds constitutionally under Texas law. Council Members Galloway, Sekula-Gibbs and Berry absent.

Mayor Brown stated that they had asked the consulting firm to go back and look at their work but no report has come back as yet. Council Members Galloway, Sekula-Gibbs and Berry absent.

Council Member Robinson stated that he hoped departments would do a better job in letting people impacted by their actions know of what was happening; that all those regarding the food vendor permit who were coming to Council said they were not aware of what was going on with the fees and they should let people know of upcoming changes. Council Members Galloway, Sekula-Gibbs and Berry absent.

Mayor Brown asked Ms. Moreno if there was anything she knew of that would keep vendors from getting a seven day permit and then going back to get a permit for the rest of the days needed; and Ms. Moreno stated that she did not think that was impossible, but she did not run the program and she would check. Mayor Brown stated that if that was permissible they could get that seven day permit and earn the money to get the permit for the rest of the days needed; and Council Member Ellis would take the matter up in committee to see if they could come up with a permanent resolution. Council Members Galloway, Sekula-Gibbs and Berry absent.

Ms. Ruth Terry, 5908 Buffalo Speedway, Houston, Texas 77005 (713-665-6690) appeared and stated that she was happy with the suggestion made regarding the seven days and thanked Council Member Robinson for his suggestion stating if they had been aware of the fee changes they would have been more prepared and not so persistent in coming; and would still like an emergency meeting and have the fee possibly capped. Council Members Tatro, Galloway, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Ellis stated that they were going to have an emergency meeting of Regulatory Affairs Friday. Council Members Tatro, Galloway, Alvarado, Sekula-Gibbs and Berry absent.

Ms. Kim Phillips, 819 Tassel, Houston, Texas, 77076 (no phone) appeared and stated that she would like to give her time to Ms. Karen Jacobs. Council Members Tatro, Galloway, Alvarado and Berry absent.

Council Member Robinson moved to allow Ms. Karen Jacobs to use Ms. Kim Phillips time, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Tatro, Alvarado and Berry absent. MOTION 2003-0148 ADOPTED.

Mrs. Karen Jacobs, 14609 South Main, Houston, Texas 77035 (713-687-1411) again appeared at the podium and stated that she appreciated the Mayor and Council taking so much time on their issue when they had such a long agenda; that she and the other vendors truly appreciated the conversation and discussion today as it made a difference, but she still could not see how it could cost the city \$14,400 a day to send inspectors to the rodeo. Council Members Tatro, Galloway, Edwards, Alvarado and Berry absent.

After further discussion by Council Members, Mr. Bibler stated that you could not issue a permit on credit, Council said the fee was to be paid in the Ordinance and the Constitution said they did not make loans; that if they were delinquent on the permit they did not receive the permit; that they were subject to what was in effect when buying the permit. Council Members Tatro, Galloway, Edwards, Alvarado and Berry absent.

Ms. Joann Schillaci, 710 E. Rogers, Houston, Texas 77037 (713-870-7300) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Edwards, Alvarado and Berry absent.

Mr. Andre Wells, 16814 Fallen Leaf Way, Houston, Texas 77058 (281-282-9646) appeared and stated that he was present regarding illegal signage, abandoned signs, and the limited authority Mr. Norris and the Sign Administration investigators had; that it was his understanding nothing was being done to discourage the activity, but to just pickup the signs when complaints got heavy in one area or another; that it was not his objective to undermine the sign administrators, but to find a way to win the war and not just a battle or two; that legitimate businesses spent large sums of money to advertise only to be dishearten daily after seeing the same services getting the word out for free, the signs littered the community and as soon as they were removed by concerned citizens and city employees they were back out within the hour, they knew the system and knew it had no authority; that last year they brought attention to themselves with the insertion of razorblades in the corner of the signs and feces, grease and other unpleasant matter was spread on the backs to further deter there disturbance; that solution to the problem was attack at the source which was the number itself, signs did not work without a working phone number and if Mr. Norris had authority to research phone companies 99 times out of 100 he would have the perpetrator; and urged Council to be successful and empower the Sign Administrator with the ability to research phone numbers. Mayor Brown, Council Members Galloway, Edward, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

The City Secretary stated that under the rules of Council any outburst or applause was prohibited; and Council would appreciate observance of those rules during the meeting. Mayor Brown, Council Members Galloway, Edwards, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman thanked Mr. Wells for coming with the issue again; that last time he appeared she had stated it was an issue not being dealt with appropriately and she and her staff had gone out collecting signs in Clear Lake; that the perpetrators were sabotaging their own signs to prohibit their removal and surely that in and of itself should be punishable by the city; and upon questions, Mr. Bibler stated that the most productive thing from his perspective would be to get with Mr. Norris, he thought he was generally familiar with who the characters

were that were doing it, but maybe he was not and it could be looked into. Mayor Brown, Council Members Galloway, Edwards, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Wiseman moved to suspend the rules to hear from Mr. Norris of Sign Administration, seconded by Council Member Ellis. All voting aye. Nays none. Mayor Brown, Council Members Galloway, Edwards, Alvarado and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-0149 ADOPTED.

Upon questions by Council Member Wiseman, Mr. Norris stated that they did have a lot of means to find out who were placing the signs, many times the signs had addresses, a good number of them had phone numbers in phone books and were able to be found; that the ones hard to find were the ones with unlisted numbers, cell phone numbers and things of that nature; that last time the Mayor suggested he get with Chief McClelland which he did and he was given a liaison officer with HPD that could take the unlisted phone numbers and attempt to get the address of the particular violator and in those particular situations they had issued six citations; that one had gone to court and was dismissed because the inspector was seriously ill, the other five had not yet gone to court. Council Member Wiseman stated that she would like Council to see if they could implement changes through ordinances and have a more aggressive approach to offenders; that last year they picked up 167,000 bandit signs and wrote over 300 citations and that was only the official figures as many more signs had been picked up by others; that he was a part of a coalition studying the bandit sign problem, it was not just a local problem, and they were getting good ideas, but it seemed the ultimate solution would be to have individual citizens and business owners take part in the process. Council Member Wiseman stated that Council Member Parker was head of the Neighborhood Protection Committee and she would like to see if it was something they could look into and perhaps the coalition Mr. Norris was a part of could attend and share their findings. Mayor Brown, Council Members Galloway, Vasquez, Alvarado and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that was one of her pet issues as well; that they had augmented the city's work by getting many volunteers and clearly they were fighting a losing battle; that she would remind Council Members some of the largest offenders were realtors and builders many of whom were on their campaign contributors list and they should speak with them; and upon questions, Mr. Norris stated that each zone inspector covered over 80 square miles and they were stretched thin. Council Member Parker stated that her office had been wanting to jump in on the issue and she appreciated that he would be attending the committee meeting. Mayor Brown, Council Members Galloway, Vasquez, Alvarado, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Wiseman, Mr. Norris stated that regarding the signs with razorblades, etc., they filed a report with the Police Department and they investigated the best they could, some were being fingerprinted. Council Member Wiseman stated that she would like Chief Bradford to have someone visit with her to see exactly what was being done with respect to taking action on the razorblades. Mayor Brown, Council Members Galloway, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Goldberg stated that he called the number on a sign as they had many out and within an hour they were pulled up; and Mr. Norris stated that many times someone went in business and thought it was legal and they would go pull them up; and many times his office did call them, they were pulled up and never saw any more from that particular company; that the individual Mr. Wells spoke of knew how to play the system and every time he got a new cell phone he had a new batch of signs and he also moved around and was hard to find. Mayor Brown, Council Members Galloway, Keller, Vasquez, Berry and Robinson absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that the city posted names of those who did not pay

taxes and it seemed fair the offenders names be posted also; and Mr. Norris stated that had been discussed. Mayor Brown, Council Members Galloway, Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that regarding the food vendor issue the Health Department had contacted them and they were willing to issue a 10-day permit and would wait until Thursday; and upon questions, Ms. Moreno stated that they would issue a 10-day permit and give vendors two days to get into the office and do the paperwork so by Thursday they should all be in and then pending a resolution by Council they would then need to go back and pay the balance or get the permit without a balance depending on Council's actions. Mayor Brown, Council Members Galloway, Goldberg, Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez moved to suspend the rules to hear Mr. Frank Pugliese and Mr. Josh Bullard after Dr. Selina Ahmed, seconded by Council Member Tatro. All voting aye. Nays none. Mayor Brown, Council Members Galloway, Goldberg, Edwards and Berry absent. Mayor Pro Tem Quan presiding. MOTION 2003-0150 ADOPTED

Dr. Selina Ahmed, 10010 Kirkaspen Dr., Houston, Texas 77089 (713-313-7636) appeared and voiced her personal concerns and opinions against the war in Iraq and stated that her and her families faces were added to racial profiles; and urged Council to pass a resolution opposing the Iraq war. Mayor Brown, Council Members Galloway, Goldberg, Edwards and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he introduced a resolution asking Council Members to support the United Nations inspectors and hoped to have it on the Agenda this week; that he would encourage everyone to encourage their Council Members to take that position. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Josh Bullard, 2600 Westridge #237, Houston, Texas 77054 (713-839-1505) appeared and stated that he spoke with the Harris County Commissioners Court January 21<sup>st</sup> for three minutes and when the meeting was over he saw the Harris County Attorney speaking with the City of Houston municipal channel person and thought nothing of it, but later he saw his segment was sliced out. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Frank Pugliese, 4633 Wild indigo #525, Houston, Texas 77027 (713-818-0104) appeared and stated that his issue referred to Houston streets, a week ago today he was driving someone to their home, 2116 Main, and driving east on Pierce he came to a red light at Pierce and Main; that Main was closed with barricades in both directions and he followed his friends advise to just go through the light as no one stopped because the street was closed, but he received a ticket for doing so and it cost \$175.00; that was his mistake and he accepted it, but his recommendation was when streets were completely closed why could not the red traffic light be changed to a red blinking light so people would pull up, stop and go. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that they had been looking into the issue and it would be taken under advisement. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado stated that she would protest the ticket, she could not see why it was issued in the first place; that she saw people go through such lights all the time and also thought it should be changed to a flashing red light. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Mr. Jason Heidelberg, 715 Welch, Houston, Texas 77006 (832-643-4207) appeared and voiced his personal concerns and opinions against a war with Iraq, stated that he was a veteran of the U. S. Air Force and defended this country in Operation Northern Watch and Operation Seven Watch, enforcing UN sanctions on the nation of Iraq; and urged Council Members to bring forth a resolution for peace and allow the United Nations to work. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan thanked Mr. Heidelberg for serving our country and for coming to Council and voicing his opinions. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Edwards, Mr. Heidelberg stated that he was 27 years old; that when he went to Operation Seven Watch in Saudi Arabia he was 20 years old and when he went to Operation Northern Watch he was 22 years old; that many experience effects from war including mental trauma. Council Member Edwards stated that she would suggest to those who had not served in war to have the courage and conviction to talk before sending others. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Parker stated that he was asking Council Members to pass a resolution and the first hurdle was it had to be placed on the Agenda and that was up to the Mayor, but the much bigger hurdle was at this time there was not a majority of Council Members who would support the resolution and encouraged him and others to contact Council Members individually and ask that they search their consciences; that it took eight votes to authorize something at the table and she believed at this time they had six. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Vasquez thanked Mr. Heidelberg for serving his country. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Monica Johnson, 12514 Avery Vale Ln., Houston, Texas 77014 (281-440-7781) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Mrs. Mary Taylor, 1403 Fashion Hill Dr., Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Mr. John Howard, Jr. 802 Ridge, Houston, Texas 77009 (713-223-5667) appeared and voiced his personal opinions and concerns regarding war with Iraq and stated that he was asking Council Members to raise the issue and discuss opposition to the war for political, physical, economical and humanitarian reasons; and urged a proclamation in opposition to the preempted unauthorized war. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Mr. William Cunningham, 2118 North Blvd., Houston, Texas 77098 (713-520-6370) appeared and voiced his personal opinions and concerns regarding war with Iraq and stated that he was a retired foreign service officer with the U. S. Navy and had gone to Korea, Vietnam and Taiwan; and urged Council Members to at least take the item up for debate and then stand up and be counted. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.



Council Member Parker thanked Mr. Cunningham for coming and stated that few politicians willingly walk into a political buzz saw which apparently this had become; that she wondered if he was aware that some state legislatures and congressional representatives had indicated there might be a financial impact on this city if they voted for Council Member Quan's resolution. Mr. Cunningham stated that he was not aware of that, but regardless, if they were present he would say the same to them because he considered it his sworn duty to do so as someone who had many times taken the oath to uphold and defend the United States. Council Member Parker stated that she had taken it a few times as well and would certainly stand up and be counted if she is allowed the opportunity. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Quan presiding.

Upon questions by Council Member Edwards, Council Member Alvarado stated that a Council Member of Los Angeles contacted her and they were still debating the matter, but two resolutions were presented and they would probably be voting on it shortly. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Robinson stated that he hoped it was placed on the Agenda for discussion and he had offered a couple of different resolutions; that he felt many people were like him, conflicted, he had not come to a conclusion; that some said they wanted no war and some said give inspectors more time and with more time you may still have to decide whether to go to war so there was a question of what the resolution's language should be; and if there was going to be debate at the table his hope was that it would be a real debate that was thoughtful and not just use words saying no war or unilateral when 16 of the 19 members of NATO were on board, but he did not have a problem standing up and voting yes or no ultimately though he would not go on record saying there would never be a circumstance with use of the U. S. military force in cooperation with others around the world. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Cunningham stated that Mayor Pro Tem Quan's resolution did not read no war ever, as he read the draft it said let's not blow the whistle before the game was over; that the inspection process should be allowed to continue until its conclusion; and he felt if the U. S. went on with a preempted strike they would lose a great deal of respect around the world and receive an extremely strong negative reaction in many parts of the world. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker and Berry absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Kerwin, 8923 Tanager, Houston, Texas 77036 (713-772-5600) appeared, presented information and voiced his personal opinions and concerns against war with Iraq; and stated that he too served as a flight officer in the U. S. Navy and was joining the other 5,000,000 who were protesting the war. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Rev. Bruce Bode, 3505 W. Dallas #520, Houston, Texas 77019 (713-807-7831) appeared and voiced his personal opinions and concerns against war with Iraq; and stated that the resolution was primarily asking the Administration to stay course with regard to the inspections and be a part of the community of the world. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Council Member Robinson stated that he would like to meet with Rev. Bode and he did not want a debate or disagreement, but his observation was they used the word unilateral and that did not reflect the reality of the circumstance because the United States was not acting unilateral as there was a 15/0 vote on the security council and there were nations signed on; that stay the course and remain a member of the world community was clearer; that they should

not visit fear using language that did not reflect the reality, the fear was overcoming the conversation. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Mayor Pro Tem Quan stated that he was always open to suggestive language, which he felt would more accurately capture the reality. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Michelle McGee, 1126 E. 24th, Houston, Texas 77009 (723-880-4685) appeared and voiced her personal opinions and concerns against war with Iraq; and stated that two wrongs did not make a right and Houston needed to make a mark, to stand and vote for an antiwar policy. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker and Berry absent. Mayor Pro Tem Quan presiding.

Ms. Linda Schmalstieg, 2476 Bolsover #6, Houston, Texas 77005 (713-605-1253) appeared and voiced her personal opinions and concerns against war with Iraq; and stated that she was requesting a resolution from Council speaking out against the use of war to resolve international tensions; that children who were scared were the living dead and were doomed. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that as Council Member Parker previously indicated it took eight votes of Council to pass such a resolution and he believed they had six committed at this time; and suggested they continue to lobby other Council Members. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Alice McCarthy, 1226A W. Drew, Houston, Texas 77006 (713-521-5807) appeared and voiced her personal opinions and concerns against war with Iraq; and stated that it was imperative Houston join with others demanding a halt to war until reasonable debate; and urged Council Members to do so. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Ms. Perri McCary, 5334 Tidewater, Houston, Texas 77045 (713-433-5866) appeared and voiced her personal opinions and concerns against war with Iraq; and stated that no child should have to live with the fear of war; and urged Council Members to pass the resolution. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. McCary stated that in our own community there were African Americans who suffered from internalized oppression because of what slavery did to them and oppressors had to learn new ways of doing things and she believed it was the internalized oppression which created the al-Qaeda of the world. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Vasquez, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Michael Zagaron, 3310 Aberdeen Way, Houston, Texas 77025 (713-320-3726) appeared and voiced his personal opinions and concerns against war with Iraq; and stated that Houston was famous for many things and urged a resolution be passed and have them also famous for joining other cities in opposing a preemptive strike against Iraq. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Justin Calhoun, 4316 Lafayette, Bellaire, Texas 77401 (713-398-2472) appeared and voiced his personal opinions and concerns against war with Iraq; and stated that Council

Members, as leaders in their community, had a duty to make decisions which reflected the morals and concerns of their community; and urged them to stand for peace, justice and democracy and pass a resolution condemning military action against Iraq. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. George Batten, 3646 Aberdeen Way, Houston, Texas 77025 (713-665-5290) appeared and voiced his personal opinions and concerns against war with Iraq; and stated that war had more destruction on non-participants than on warriors and many fights such as against hunger, disease, poverty, injustice, etc., were needed; and urged Council Members to let the United Nations do its job and pass a resolution opposing a preempted war with Iraq. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Alvarado moved to suspend the rules to hear from Mr. Jim Essig, Mr. Don Cook and Mr. Ken Freeland out of order, seconded by Council Member Vasquez. No vote was recorded as a quorum was not present. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Deloyd Parker, 3815 Live Oak, Houston, Texas 77004 (713-521-0629) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Tatro, Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Steve Williams, 10802 Sagewind, Houston, Texas 77089 (281-481-2581) appeared and voiced his personal opinions and concerns against war with Iraq; and stated that he had served in the U. S. Navy for 12 years and that the oath one took before taking office affirmed individual responsibility and accountability to defend the Constitution of the United States and in some cases State Constitution and local ordinances, etc., and believed it was important to focus on what those words represented which was "all the people". Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Parker, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Cameron Nafisicy, 1601 Colquitt, Houston, Texas 77006 (713-529-5147) appeared and voiced his personal opinions and concerns against war with Iraq; and stated that he was also present to urge all Council Members to press on with the resolution delaying attack on Iraq until further deliberation; and that he was present regarding a related issue earlier today where two students climbed a bridge above 59 hanging an anti-war banner, they were caught and arrested and in jail refusing food as their religion did not allow them to eat meat products; and he was also asking that Council Members think why they felt it was necessary to make the sacrifice they made. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that they would follow-through to see that bond was set and that they get processed as soon as possible. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Jim Essig, 250 Dorado #125, Webster, Texas 77598 (281-461-8886) appeared and voiced his personal opinions and concerns against war with Iraq; and stated that they had come weeks ago bringing a petition with thousands of signatures protesting the war; that he complimented those Council Members who had worked hard helping to prepare language and taking strong positions, and it needed to be debated and he urged them to have the courage and leadership to have the democratic process work. Mayor Brown, Council

Members Galloway, Goldberg, Wiseman, Ellis, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-649-4258) appeared and voiced his personal opinions and concerns against war with Iraq; and stated that the Administration in Washington could best be helped by finding a way to back down and extending inspection was the beginning of that. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that regarding the statement Council Member Parker made of supposedly retaliation of this body by the state if a resolution was passed on this she was insulted, outraged and how dare they try to subsume her right as an American citizen and elected official to have open transparent debate; that if the state thought they could retaliate against this body by them having open debate and if they wanted to draw the line it was fine with her. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Ken Freeland, 3535 W. Holcombe #16, Houston, Texas 77025 (713-218-8063) appeared and voiced his personal opinions and concerns against war with Iraq; and stated that the first time he came he presented a petition with over 2,100 local names insisting that the issue be openly debated and passed; and urged it be placed on the Agenda next week. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he would continue encouraging the Mayor to place it on the Agenda for debate and if it passed or failed it deserved an honest discussion; and he thanked each of them for coming. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Douglas McIntyre, 18147 Dinner Creek Dr., Katy, Texas 77449 (no phone) appeared, presented information and stated that that today in the City of Houston he and cabdrivers, about 25, present with him had been losing income because of a rule Council passed which was that there should be no solicitation of business at hotels, Chapter 40, Section 46 and in the same section it said certain companies could go to the hotel, pay money and have exclusive business and as of last week five hotels excluded cabdrivers because they worked for the wrong company and they felt it was a direct violation of civil rights; that the city had licensed the drivers and given them the right to work and yet they were not able to go to hotels and stand in a public cabstand; and they were asking for Council to go back and revisit the ordinance and if any cabstand was allowed at a hotel they asked that it be done on a first come, first serve basis so no drivers were prohibited. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Bibler stated that the ordinance was very specific that the arrangements could only be for cabstands located on private property. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. McIntyre stated that it boiled down to the company that owned 1,250 medallions out of the 2,250 was trying to move a lock on the hotel business and to solve it a public hotel should allow public access to public transportation.

Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he was open to investigate to see what could be done and he thanked him and the others who came to present their situation and F & A would investigate, but he would like to take it back to Regulatory Affairs and see if they could readdress the ordinance. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Mengistu Demessie, 7114 Hot Creek Trace, Humble, Texas 77346 (713-649-4145) appeared and stated that he owned a cab company and there were some hotels that were anti-minority and anti-small business; that the largest company was trying to destroy the small company and cabstands should be open to all cab companies. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Rev. James Nash, 8309 Brandon, Houston, Texas 77051 (713-731-7050) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Melvin House, 2110 Twinbrook, Houston, Texas 77088 (713-699-0000) appeared and stated that he was a cabdriver and on Friday, February 14th he was sitting in his cab at a stand when a meter maid called for backup and placed a boot on his taxi then told him he had tickets totaling \$925.00 so he asked what kind of tickets and she said parking tickets, but if he had 12 tickets and 8 being in a tow away zone why would he not be towed at least one time. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. House stated that he had received no notice, it was a complete surprise. Mayor Pro Tem Quan stated that there were a couple others with the same type situation and if he would wait they would address them all at once with Mr. Albright who was present. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Michael Miller, 3809 Main, Houston, Texas 77002 (713-291-8662) appeared and stated that on January 2nd he was driving through downtown and was pulled over and informed he had 23 outstanding parking tickets and his vehicle was booted; that he had never received any tickets and it was a shock to him; that he met Mr. Albright in Municipal Courts who showed tickets to him and he was not afforded an opportunity to address them in court; that on a number of tickets his company was able to reproduce the dispatch log or GPS records and almost all cases it showed it improbable for him to be in the same place the tickets were issued. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he received his letter and would also be upset if he found out all of a sudden he had that many tickets; that after the next speaker Mr. Albright would address all their situations. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro

Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Edgar Thompson, 5511 Austin, Houston, Texas 77004 (713-529-0767) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan stated that he would like Mr. Albright to come up for questions. Upon questions, Mr. Albright stated that the notice was easy to explain because the vehicles were in the name of the company they leased the vehicle from and many times the vehicle was owned by the driver but the title was given to the company for insurance purposes; that frequently in the industry if an officer comes and starts writing a ticket the driver takes off and they had instructed the officers to now place on the ticket that the vehicle left, but in some cases they did not; that the only thing that could take place in a hearing after a vehicle was booted was the fact whether notice was given to the last address of the vehicle, once that was done, and notice sent they were placed on the boot list and given ample time for corrections, but it was the company given notice. Mayor Brown, Council Members Galloway, Goldberg, Wiseman, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Thompson stated that his company never received notice, there was a timeframe where they stopped getting notice. Upon further questions by Mayor Pro Tem Quan, Mr. Albright stated that state law only required notice to be placed in the mail, it was not sent certified; that there was a time period where they did not have the contract with Zebay and during that time period notice was not sent. Mayor Pro Tem Quan stated that he would like to meet with Mr. Thompson and Mr. Albright individually and see what could be done. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. House stated that he leased his cab, it was registered to United Cab and he questioned them about the tickets and they said none came to the lot; that it seemed to him the meter maid got his plate number and went around the corner and wrote tickets. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Quan, Mr. Albright stated that he did not have his case with him. Mayor Pro Tem Quan stated that he would like to review that with him also; and told Mr. House he understood his dilemma and would look into it. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Apostle Ruth Holman Wesley, P. O. Box 36062, Houston, Texas 77236 appeared, presented information to Mr. Cantu and stated that she regretted that the people present regarding peace in Iraq did not feel the Council was interested because war in any land was dangerous to all mankind; that December 25th she was dragged out of her home by police and she had harmed no one. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Clarence Gatterson, 14614 Garber, Houston, Texas 77015 (713-451-4579) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

PRESENT)

Mr. William Ennols Beal, 4748 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and stated that his topic was NASA, he had electronic surveillance tapes of people's testimony where people blew up Columbia and continued until his time expired. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Quan recommended that he contact NASA directly with that information. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was the official U. S. President and continued with his personal opinions until his time expired. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

At 5:37 p.m. City Council recessed until 9:00 a.m., Wednesday, February 19, 2003. Mayor Brown, Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez, Alvarado, Parker, Sekula-Gibbs, Berry and Robinson absent. Mayor Pro Tem Quan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 19, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, February 19, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney; and Ms. Martha Stein, Agenda Director present.

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

At 9:10 a.m. Mayor Brown called to order the meeting of the City Council. Council Members Goldberg, Alvarado, Parker and Berry absent.

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 38**

**MISCELLANEOUS** - NUMBERS 1 through 3

1. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Shady Grove Plaza, GFS D-0100-10-3 - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Alvarado, Parker and Berry absent. MOTION 2003-0151 ADOPTED.
2. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Parks to Standard Program - Phase II Ingrando Park, GFS F-0363-17-3 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Alvarado, Parker and Berry absent. MOTION 2003-0152 ADOPTED.
3. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Parks to Standard Program - Phase II Agnes Moffitt Park - Pool, GFS F-0363-42-3 - **DISTRICT A - TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Alvarado, Parker and Berry absent. MOTION 2003-0153 ADOPTED.

Council Member Tatro moved to suspend the rules to consider Item Numbers 12, 44 and 45 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Goldberg, Alvarado, Parker, Berry and Robinson absent. MOTION 2003-0154 ADOPTED.

Council Member Keller moved to suspend the rules to consider Item Number 13 out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Robinson absent. MOTION 2003-0155 ADOPTED.

12. RESOLUTION approving the action of the City of Houston Higher Education Finance Corporation for Houston Student Housing II, LLC (Tierwester Oaks and Richfield Manor Projects) - **DISTRICT D – EDWARDS** – was presented. Council Member Robinson absent.

Council Member Edwards stated that she had several clubs that lived in the area surrounding TSU that had some serious concerns and would like to tag the item until the end of the meeting and maybe she could get some consent to have some meetings with the community and TSU regarding the item, but there were some very serious concerns that had been brought to her regarding the development that was going on and thought it just needed to be talked about and thought it could be worked through but they needed to have those discussions, so she would like to tag the item. Council Member Robinson absent. Council Member Edwards stated that she would tag Item No. 12. (Note: Council Member Edwards removed her tag later in the meeting.)

Mayor Brown stated that Council Member Edwards tagged Item No. 12. Council Member Robinson absent.

Council Member Parker stated that Council Member Edwards raised the concern that she had and wanted to thank Ms. Daisy Stiner for researching the deed restrictions in the area and



that the project did not apparently violate any existing deed restrictions, but there were still a lot of neighborhood concerns. Council Member Robinson absent.

44. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **PHILPOTT MOTORS, LTD** - \$520,752.50 and **LAWRENCE MARSHALL CHEVROLET II, L.P.** \$230,585.00 for Light-Duty Trucks for Various Departments - Enterprise and Equipment Acquisition Consolidated Funds – **(This was Item 56 on Agenda of February 12, 2003, TAGGED BY COUNCIL MEMBERS KELLER and ROBINSON)** – was presented.

Council Member Wiseman stated that her having been out it would be her first time seeing the item and she did, technically, have the ability to tag the item, that she did receive a memo though from the Agenda Director saying that to do so would put the item at high risk with respect to the fleet purchase itself, that she wanted the opportunity to have additional questions answered with respect to this item and the other item on vehicle purchases, that she had asked for information on justification, the justification that they received was, while maybe appropriate at other times, she did not think was appropriate now given that they were facing tough budget times, that the justification was nothing more than a shopping list in her opinion, that they had been told that a lot of these vehicles were replacement vehicles, but what she wanted to know was, had steps been taken to totally cut back on what was needed, that she did not think that they should just be accepting a shopping list and going with that, so given that she was concerned about the fact that the justification did not come in the way of, we absolutely need these vehicle or inspections would not be made, we absolutely need these vehicles or the Police Department would not be able to go out and do their investigations, that given that she should could not tag the item, she would be voting against the item.

Council Member Tatro stated that Council Member Wiseman brought up some good points, that his concern was that like zero based budgeting they asked that the budget be proved and they ask that the number of vehicles they were purchasing be proved and thought what they had fallen into was the standard operating procedures saying that they had a policy which said they refurbish their vehicles every three years or every 60,000 or 70,000 miles so therefore they needed to purchase more vehicles to replace those because that was their policy, that he thought they had gotten into a rut and did not think they had proven the zero based budgeting aspect of proving that they needed these vehicles and with the respect of the budget tightening and going back and either revamping the policy or not just following the policy and actually looking at the life of the vehicles and making the tough decision about which vehicles needed to be replaced and which vehicles did not need to be replaced, that he would be joining Council Member Wiseman as a no vote on the two items.

A roll call vote was called on Item No. 44.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
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 no
Council Member Keller voting no	MOTION 2003-0156 FAILED

Mayor Brown stated that the item did not pass and wanted to point out that it had some very serious consequences for doing the business of the City and in the long run was going to cost the City more money, that he thought it was a very unwise vote that they had taken today and indeed surprising and asked Mr. Haines to address the consequences.

Mr. Haines stated that he could address the consequence and asked that Dr. Scheps speak to it also, but essentially what it meant that they had to go back out and re-bid the whole deal, that what was before Council was an authorization on a unit price basis to acquire vehicles, it did not mean, as he presented as Fiscal Affairs and as Ms. Sara Culbreth presented at Fiscal Affairs, it meant that it was a 100% procurement decision, they had committed as they stated at Fiscal Affairs, they had completed their zero basing of the take home program and were in the process of zero basing the light utility vehicle fleet management program and intended to make that report back to Council through the Fiscal Affairs Committee beginning at the next meeting, that again he thought that the problem was that it was a specific bid process that identified unit pricing and clearly they would simply have to go out, that the problem was that they had a fleet some of which they had to replace and it included several pieces of rolling stock that frankly they were going to have to deal with, that he asked that Dr. Scheps speak to the fiscal impact.

Mayor Brown stated that for those who wanted to save the City money, they were costing the taxpayers money on this one.

Dr. Scheps stated that they were very cognizant of the budget problems when they went through the fleet replacement process and they did not replace any sedans whatsoever, they simply put a moratorium on sedans, with the exception of emergency vehicles for the Police Department, they set the criteria very high and evaluated that so they were not getting any new vehicles at all, except for a couple at the Airport where there was a new fire station going in, new security vehicles, so he felt like they were extremely judicious in their use of this, only about \$600,000 of it was General Fund money, incidentally and guessed everybody understood that, that they were big RCA's, but only \$600,000 for the police investigative sedans was the only General Fund money and four trucks for the Public Works Department with high mileage, that he felt that they were very well aware of the budget pressures when they went through the process.

Upon questions by Council Members, Dr. Scheps stated that it was not that the prices were going to be more expensive in six months, that it was that these were very old vehicles and he was assuming that the maintenance on them, and in the aggregate it cost more to maintain the 120,000 miles and 130,000 miles sedan than to purchase new ones on a time payment plan, that it was not a reverse auction, but a standard process where they go out on written bids like they had for years, and to Council Member Wiseman, he was unaware that she had asked for any additional justification and did not know what that was about, they scheduled it for Fiscal Affairs two weeks ago so they could get those inputs and was not aware that she needed anything else, that he wanted to get her what she needed and all her questions were good and thought they had answers.

Council Member Tatro asked for a point of order and stated that he would like to move the agenda, and Mayor Brown asked the City Secretary to call the next item.

45. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **PHILPOTT MOTORS, LTD** - \$1,119,072.50, **CLASSIC CHEVROLET HUMMER, INC** \$1,185,286.25, **LAWRENCE MARSHALL CHRYSLER, L.P.** - \$40,837.50, **LAWRENCE MARSHALL CHEVROLET II, L.P.** \$1,197,530.00 and **LAWRENCE MARSHALL FORD-MERCURY, L.P.** - \$975,066.25 for Automobiles, Vans, Utility Vehicles and Pickup Trucks for Various Departments - \$4,517,792.50 Grant, Enterprise and Other Funds – **(This was Item 57 on Agenda of February 12, 2003, TAGGED BY COUNCIL MEMBERS ROBINSON and KELLER)** – was presented.

A roll call vote was called on Item No. 44.

ROLL CALL VOTE:

Mayor Brown voting aye  
Council Member Tatro voting no  
Council Member Galloway voting aye  
Council Member Goldberg voting no  
Council Member Edwards voting aye  
Council Member Wiseman voting no  
Council Member Ellis voting no  
Council Member Keller voting no

Council Member Vasquez voting aye  
Council Member Alvarado voting aye  
Council Member Parker voting aye  
Council Member Quan voting aye  
Council Member Sekula-Gibbs voting no  
Council Member Berry voting no  
Council Member Robinson voting no  
MOTION 2003-0157 FAILED

13. ORDINANCE approving the issuance of bonds by the **UPTOWN DEVELOPMENT AUTHORITY**; providing for continuing disclosure with respect to such bonds - **DISTRICTS C - GOLDBERG and G – KELLER** – was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0176 ADOPTED.

Council Member Goldberg stated that he wanted to recognize some people who were present from the Uptown Management District and the Uptown TIRZ and thank them for their help getting the item on the agenda, Mr. John Breeding and Mr. Miller, that Mr. Breeding, Executive Director of the Uptown Management District, and there was a lot of infrastructure that the City of Houston would have had to pay for and Council Member Keller knew well that they were paying for the repaving of San Felipe, that the TIRZ worked and was putting money back in that the City would have had to spend anyway and appreciated their being present. Council Member Tatro absent.

Council Member Keller stated that he wanted to reiterate some of those sentiments, that not all TIRZ's were good or bad and this was a great TIRZ, that he wanted to compliment the Mayor in working with the TIRZ over the last few years in forming a private public partnership which resulted in a major phase of the San Felipe reconstruction from 610 to Yorktown, being funded primarily by the funds that the TIRZ was putting forth and they had already put over \$8 million in community housing and affordable housing, which was about 30% of their money. Council Member Tatro absent.

Council Member Goldberg stated that he wanted to recognize a group that was visiting today to see government in action, that it was a group from the Greater Southwest Houston Chamber of Commerce called Leadership 2020 and it was class eleven and asked that they stand and be recognized, that they were going to be visiting City Council and Commissioners Court and some judicial people. Council Member Tatro absent.

Council Member Sekula-Gibbs asked for a point of personal privilege to introduce two members of the Advance Report Class from Texas Southern University, Ms. Stephanie Morrison and Ms. Rosslyn York and asked that they stand and be recognized and wished them much luck in their journalism pursuit. Council Member Tatro absent.

Mayor Brown stated that they welcomed them all to the Council meeting. Council Member Tatro absent.

**ACCEPT WORK** - NUMBERS 5 and 6

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$209,050.71 and acceptance of work on contract with **PEDKO PAVING, INC** for Repairs of the South Approach to N. Wayside Bridge over Halls Bayou, GFS N-0445-04-3 (SB9005-2) - 01.51% under the original contract amount - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0158 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for

approval of final contract amount of \$3,012,946.10 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of 60-inch Water Main along Victory from Ashmole Lane to Antoine Drive - Contract 54 A-2, GFS S-0900-60-3 (WA10633) - 01.06% under the original contract amount - **DISTRICT A - TATRO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0159 ADOPTED.

**PROPERTY** - NUMBERS 7 and 8

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kenneth A. Newberry, for abandonment and sale of a 10-foot wide prescriptive sewer easement, located in Lots 3 and 4, in exchange for the conveyance to the City of a 10-foot-wide sanitary sewer easement, located in Lot 3, both within Block 3, Amending Plat of Bradshaw Addition, Parcels SY3-031 and DY3-017 **STAFF APPRAISERS - DISTRICT H - VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0160 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels KY2-076, located in the 12600 block of Beamer Road, and KY2-077, located in the 13000 block of Beamer Road, owned by Harris County Flood Control District, a political subdivision of the State of Texas, for the **BEAMER ROAD WATERLINE PROJECT from Scarsdale Boulevard to South Canyon Drive**, CIP S-0900-77-3 - \$59,246.00 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0161 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 12 through 38

18. ORDINANCE appropriating \$153,000.00 out of 95 Series Revenue Bond Capital Improvement (Fund 614), \$598,000.00 out of 95 Series Construction Fund Convention Center (Fund 616) and \$57,449.00 out of C&E Construction Fund (Fund 618) and approving and authorizing the purchase of a tract or parcel containing 6,250 square feet (0.1435 acres) of land, more or less, and being Lot 12, Block 120, South Side Buffalo Bayou, an addition in Houston, Harris County, Texas, together with that certain four (4) foot by fifty (50) foot strip of land adjoining and to the rear of Lot 12, Block 120, together with the improvements located thereon, for the extension of the Avenida De Las Americas (CIP B-0069), and approving Purchase and Sale Agreement with St. Francis Charities to acquire the land and improvements thereon for a purchase price, including title insurance and closing costs, which does not exceed the sum hereby appropriated **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0177 ADOPTED.
28. ORDINANCE appropriating \$820,188.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Inspection and Rehabilitation by Point Repair Method, GFS R-0266-R8-3 (WW4277-12); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2003-0178 ADOPTED.
30. ORDINANCE appropriating \$1,613,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Gulf Meadows Subdivision, GFS S-0035-81-3; providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund -

**DISTRICT E – WISEMAN** had been pulled from the Agenda by the Administration, and was not considered. Council Member Tatro absent.

31. ORDINANCE appropriating \$1,153,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Grid Extension Package I - Various Locations, GFS S-0700-56-3 (WA10677); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - TATRO; B - GALLOWAY and G - KELLER** – was presented. All voting aye. Nays none. ORDINANCE 2003-0179 ADOPTED.
34. ORDINANCE No. 2003-0157, passed first reading 2/12/03  
ORDINANCE granting to **NATION WASTE, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and Industrial Waste from Commercial properties located within the City of Houston, Texas pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0157 PASSED SECOND READING IN FULL.
35. ORDINANCE No. 2003-0158, passed first reading 2/12/03  
ORDINANCE granting to **ENSOURCE CORPORATION, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and Industrial Waste from Commercial properties located within the City of Houston, Texas pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0158 PASSED SECOND READING IN FULL.
36. ORDINANCE No. 2003-0165, passed first reading 2/12/03  
ORDINANCE granting to **CSDS MEDICAL WASTE/CRIME SCENE DECONTAMINATION SERVICES, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and Industrial Waste from Commercial properties located within the City of Houston, Texas pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0165 PASSED SECOND READING IN FULL.
37. ORDINANCE No. 2003-0166, passed first reading 2/12/03  
ORDINANCE granting to **HIPPO WASTE SYSTEMS, L.L.C. a Texas Limited Liability Company**, the right, privilege and franchise to collect, haul and transport solid waste and Industrial Waste from Commercial properties located within the City of Houston, Texas pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** - was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0166 PASSED SECOND READING IN FULL.
38. ORDINANCE No. 2003-0167, passed first reading 2/12/03  
ORDINANCE granting to **CRAIG PUCKETT D/B/A INDEPENDENCE DISPOSAL SYSTEMS, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and Industrial Waste from Commercial properties located within the City of Houston, Texas pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0167 PASSED SECOND READING IN FULL.

Council Member Edwards stated that she wanted to remove her tag on Item No. 12 and the City Secretary stated that Item No. 12 would be considered at the end of the agenda.

Council Member Tatro absent.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

4. RECOMMENDATION from Director Human Resources to approve a seventh 90 day period for pay differential for employees called to active duty status during a time of war or state of emergency – was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Vasquez stated that he supported the item, however he had asked for some information a couple of weeks ago during pop off on the number of employees affected by active duty status and what impact, if any, there was on their dependents and wanted to make sure they were properly compensated and would have their job back as soon as they returned, and Ms. Stein stated that the information was in the backup, and Council Member Vasquez stated that he did support it and looked forward to looking at the information. Council Member Tatro absent.

A vote was called on Item No. 4. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0162 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

9. **HENRY SCHEIN, INC** - \$85,000.00 and **VORTECH PHARMACEUTICALS LTD** - \$113,850.00 for Veterinary Supplies for Health & Human Services Department - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0163 ADOPTED.
10. **R. B. EVERETT & COMPANY** for Asphalt Rollers for Department of Public Works & Engineering \$173,732.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Wiseman. Council Member Tatro absent.
11. **HOUSTON FREIGHTLINER, INC** for Cab and Chassis Parts Contract for Solid Waste Management Department - \$150,000.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0164 ADOPTED.

**RESOLUTIONS AND ORDINANCES**

14. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2001-1149 by adding two (2) Identification Officer positions; adding one Police Sergeant position; adding one (1) Executive Assistant Chief of Police position; deleting three (3) Police Communication Specialist II positions and deleting one (1) Assistant Chief of Police position; substituting the amended exhibit as part of the current Police Department Classified Personnel ordinance – was presented, and tagged by Council Member Alvarado. Council Member Tatro absent.

Council Member Vasquez stated that he wanted to add his tag and his question was that they were talking about deleting three of the Police Communication Specialist and at the same they were going to delete three classified and then add three civilians, so his question was if there was a savings and how much of a savings was there going to be and Mayor Brown stated that they would get an answer for him.

15. ORDINANCE approving and authorizing an application for grant assistance from the **TEXAS PARKS AND WILDLIFE DEPARTMENT**, for the Community Outdoor Outreach Program; declaring the City's eligibility for such grant; authorizing the Director of Parks and Recreation to act as the City's representative in the application process; authorizing the Director of Parks and Recreation to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0180 ADOPTED.
16. ORDINANCE approving and authorizing amendment No. 1 to Project Development Agreement between the City of Houston and **CONTINENTAL AIRLINES, INC** for Construction Management Services at George Bush Intercontinental Airport/Houston (Project Nos. 490D, 490T and 490R) and partial assignment of a related contract after award of the Terminal C Hazardous Materials Abatement and Removal Contract (Project No. 490R); CIP A-0131 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0181 ADOPTED.
- 16a. ORDINANCE appropriating \$642,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund, CIP A-0131, awarding construction contract to **ICE CONSTRUCTION, INC** for Terminal C Hazardous Material Abatement at George Bush Intercontinental Airport/Houston, Project No. 490R - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0182 ADOPTED.
17. ORDINANCE approving and authorizing lease agreement between the City of Houston and the **WILLIAMS COMPANIES, INC** for certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0183 ADOPTED.
19. ORDINANCE amending Ordinance No. 97-1167 to allocate \$900,000.00 of previously unallocated Section 108 HUD-Guaranteed Loan Funds and \$81,250.00 of previously unallocated Economic Development Initiative Grant Funds to the Small Business Loan Program administered by the Houston Small Business Development Corporation (“HSBDC”) and approving and authorizing a fourth amendment to Subrecipient Loan Agreement with HSBDC to extend the time to commit funds thereunder and to provide additional funding - was presented, and tagged by Council Members Ellis and Vasquez. Council Member Tatro absent.
20. ORDINANCE approving and authorizing the selection of (I) **COMMUNITY ARTISTS' COLLECTIVE**, (II) **YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON, INC - GATEWAY CENTER (YWCA)**, (III) **MULTICULTURAL EDUCATION COUNSELING THROUGH THE ARTS (MECA)**, (IV) **LOVE AND TRUTH MINISTRIES**, (V) **LATINO LEARNING CENTER**, and (VI) **COMMUNITY FAMILY CENTERS**, all being non-profit organizations, to participate, subject to further City Council approval of funding contracts, in the Neighborhood Facilities Renovation Program; further approving and authorizing the selection of **TALENTO BILINGUE DE HOUSTON**, a Community Development Block Grant funded project that is managed by the Convention and Entertainment Facilities Department, for participation in the Neighborhood Facilities Renovation Program, subject to further City Council approval - **DISTRICTS D - EDWARDS; H - VASQUEZ and I - ALVARADO** - was presented, and tagged by Council Members Edwards, Ellis and Parker. Council Member Tatro absent.
21. ORDINANCE amending Ordinance No. 2000-1113 (passed by the City Council on December 20, 2000) to increase the maximum contract amount and approving and authorizing first amendment to contract (approved by Ordinance No. 2000-1113) between

the City of Houston and **ELECTRONIC DATA SYSTEMS CORPORATION** for Alarm Tracking, Billing and Collections for the Fire Department - \$2,506,100.00 - General Fund - was presented, and tagged by Council Member Keller. Council Member Tatro absent.

Council Member Keller stated that he wanted to request a meeting and Council Member Goldberg stated that he wanted to also tag the item. Council Member Tatro absent.

Council Member Parker stated that she did not want to tag the item, but wanted to know who was responsible for the long delay that had apparently cost them a large amount of money in lost billings, and Mayor Brown stated that they expected to have an answer to that. Council Member Tatro absent.

22. ORDINANCE approving and authorizing contract between the City of Houston and **IDENTIGENE, INC** for DNA Analysis and Testing Services for the Houston Police Department - \$75,000.00 Asset Forfeiture Fund - was presented. Council Member Tatro absent.

Council Member Alvarado stated that she wanted to thank HPD for bringing the item up, that as they knew there had been a lot of discussion about the Crime Lab and knew it was going to bring some relief to the DNA analysis and testing services, and wanted to reiterate that they needed to make sure they were proactive and aggressive in bringing some permanent solutions to the backlog and the conditions at the Crime Lab and very much supported the item. Council Member Tatro absent.

Council Member Edwards stated that she did not want to tag the item, but did need to talk to some one regarding the report that was on the television last night regarding the State investigating the Crime Lab and what that meant, and Council Member Alvarado stated that her office had been in contact with State Representative Kevin Bailey and evidently it was not just happening in Houston, there were other Crime Labs throughout the State, even discussions about the FBI's Crime Lab that was not up to par, so they were going to conduct some hearings very similar to Congressional hearings, on the overall issue of Crime Labs, and Council Member Edwards stated that she wanted to know what were the ramifications or implications for their department and what that meant, and Mayor Brown stated that he would have some one come by and answer her questions. Council Member Tatro absent.

Council Member Robinson stated that it may be worth their effort to have Chief Bradford stop by and give them a briefing, that he had an opportunity to meet with him yesterday and knew he had several things working in the area to respond, that he appreciated him bringing him up to speed because the item was on the agenda, that he was going to be supporting it and looked forward to working on his effort, that he also supported Representative Bailey's effort because one of the things they all made a commitment to, whether or not they were for or against the death penalty, was that DNA was one of the ways that they could help to sort out with a greater degree of certitude whether or not somebody was guilty of a crime and if they had questions about the competency of the Crime Labs around the State it brought serious issues of concern to the forefront on it and hoped that there would be some legislation that talked about standardization and level of certification and those sort of things to make sure when they went into court with DNA it was the best that they could have under any and all circumstances. Council Member Tatro absent.

A vote was called on Item No. 22. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0184 ADOPTED.

23. ORDINANCE approving and authorizing contract between the City of Houston and **RELIAGENE TECHNOLOGIES, INC** for Forensic DNA Testing Services for No-Suspect Casework and Backlog Case for the Houston Police Department; providing a maximum contract amount 3 Years with two one-year options - \$3,500,000.00 - Police Special



Services and Grant Funds - was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0185 ADOPTED.

Council Member Parker stated that she wanted to thank the department for pursuing the item, that it was an issue that was very close to her and a number of Council Members had been supportive as well, that the department went out and aggressively sought grant funds to whittle down the backlog of sexual assault cases for DNA testing, that they had 8,000 existing cases sitting out there that had never been tested and this would help them get through that and was very glad that the department stepped up and located the money and thanked the Mayor for his help on that. Council Member Tatro absent.

24. ORDINANCE approving and authorizing contract between the City of Houston and **SYNAGRO OF TEXAS-CDR, INC** for Biosolids Hauling and Disposal Services; providing a maximum contract amount - 2 Years with three one-year options - \$15,000,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0186 ADOPTED.
25. ORDINANCE appropriating \$222,185.75 out of Street & Bridge Consolidated Construction Fund and \$1,972,675.27 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to reimburse **TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)** for the City's participation in the Reconstruction of Market Street from McCarty to IH 610 under an Urban Street Agreement with TxDOT, approved by Ordinance No. 99-397, CIP N-1306-01-3 (SB9099); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented.

Council Member Goldberg stated that his discussion was in regards to Item Numbers 25 and 26, there was an ordinance passed in 1999 regarding how they could do the 80/20 splits with TXDOT where they were supposed to pay 80% of the construction and the City of Houston matches with 20%, that in actuality were not working out exactly like that, that for example in Item No. 25 the City was paying \$5 million out of \$6 million of total construction, of course they were paying for utilities and sidewalks and so forth, but a lot of the higher cost was attributable to TXDOT standards and if they used their money at all there was different standards and it cost the City more and thought they needed to reevaluate the ordinance, that he was going to go ahead and support the item, that it cost too much money now not to do it, that they had too much money into it, that he would like for someone from Public Works to visit with him and explain really how it did benefit, because on both of the items he failed to see the benefit. Council Member Tatro absent.

Mayor Brown stated that they would have someone from Public Works visit with him, but briefly, the agreement did not cover the utilities, the City paid 100% of that and they see the cost a little higher as a result of that. Council Member Tatro absent.

Council Member Galloway stated that she was excited to see the particular item on the agenda and wanted to thank the administration and everyone for working with TXDOT to get the item moving, because the Pleasantville Community as well as one of their major tax base, Anheuser-Bush Company, had been wanting the street reconstructed for over 4 or 5 years and it was finally coming to fruition so she was very excited about it and encouraged her colleagues to support the item. Council Member Tatro absent.

A vote was called on Item No. 25. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0187 ADOPTED.

26. ORDINANCE appropriating \$87,300.00 out of Water & Sewer System Consolidated Construction Fund and \$383,600.00 out of Street & Bridge Consolidated Construction

Fund and approving and authorizing amendment to contract between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)** for Replacement of the Old Westheimer Road Bridge over Brays Bayou, (passed under Ord. No. 97-408), CIP N-0611-25-3 (SB9129-01) - **DISTRICT G - KELLER** – was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0188 ADOPTED.

27. ORDINANCE approving and authorizing first amendments to professional construction management services contracts between the City of Houston and the following: 1) **ESPA CORP., INC** (approved by Ordinance No. 02-0065); 2) **CARTER & BURGESS, INC** (approved by Ordinance No. 02-0383); 3) **BURK-KLEINPETER, INC** (approved by Ordinance No. 01-0470); 4) **CARTER & BURGESS, INC** (approved by Ordinance No. 01-0519); and 5) **BURK-KLEINPETER, INC** (approved by Ordinance No. 02-0286), N-0362-43-3 and N-0363-03-3 - was presented. Council Member Tatro absent.

Council Member Keller stated that he wanted to compliment Director Vanden Bosch and Public Works for taking this upon themselves, that it was tough to go to the private sector and convince them to take less and basically overall that was what they had done and thought that over the 2004 – 2008 CIP they would save the City considerable funds, so thank you to Carter & Burgess Burk-Kleinpeter as well as ESPA and LAM. Council Member Tatro absent.

Council Member Sekula-Gibbs stated that she too wanted to compliment the Department of Public Works and Engineering and Mr. Fiederlein as well as Colonel Vanden Bosch and also a name that was not listed, Lockwood, Andrews and Newnam, that they took the lead on it a few months ago and agreed to reduce their multiplier and would suggest that if they had not agreed to do that then the other firms would not have fallen in line. Council Member Tatro absent.

A vote was called on Item No. 27. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0189 ADOPTED.

29. ORDINANCE appropriating \$2,023,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **SER CONSTRUCTION PARTNERS, LTD** for Braeburn Gardens Sanitary Sewer System, GFS R-0801-06-3; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and F - ELLIS** – was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0190 ADOPTED.

Council Member Goldberg stated that he wanted to bring something to the attention of the Legal Department, that it was actually the second time they had bid out the item, that the first time the bidder just defaulted and said their bid was too low and did not want to do it, that their was a difference in price, that this time it cost them \$400,000 more and wanted to bring it to the Legal Department's attention so they could take measures to go against the original bidder, and Mayor Brown asked Mr. Hall to take note of that. Council Member Tatro absent.

32. ORDINANCE appropriating \$1,386,300.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for On-Call Rehabilitation to Large Diameter Water Mains, Valves and Appurtenances; GFS S-0900-80-3 (WA10700); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water and Sewer System Consolidated Construction Fund - Fund No. 755 – was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0191 ADOPTED.

33. ORDINANCE No. 2003-0156, passed first reading 2/12/03  
ORDINANCE granting to **BFI WASTE SERVICES OF TEXAS, L.P. a Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport solid waste

and Industrial Waste from Commercial properties located within the City of Houston, Texas pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** - was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0156 PASSED SECOND READING IN FULL.

**MATTERS HELD** - NUMBERS 39 through 46

39. MOTION by Council Member Quan/Seconded by Council Member Vasquez to adopt request from Mayor for confirmation of the appointment and reappointment of the following to **REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS, (EAST DOWNTOWN ZONE) BOARD OF DIRECTORS:**
- MR. DAN NIP, reappointment, to serve as Chair, for a term to expire December 31, 2003
  - Position 2 - MS. KARIN R. WERNESS, reappointment, for a term to expire July 6, 2004
  - Position 4 - MR. GIOVANNI GARIBAY, appointment, for a term to expire July 6, 2004
  - Position 5 - MR. ZEBEDEE STRONG, JR., appointment, to complete an unexpired term ending July 6, 2003
- (This was Item 10 on Agenda of February 12, 2003, POSTPONED BY MOTION #2003-139)** - was presented. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0165 ADOPTED.
40. MOTION by Council Member Vasquez/Seconded by Council Member Ellis to adopt request from Mayor for confirmation of the reappointment of MR. DAN NIP to serve as Chair of the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2003 – **(This was Item 11 on Agenda of February 12, 2003, POSTPONED BY MOTION #2003-140)** - was presented. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0166 ADOPTED.
41. ORDINANCE appropriating \$3,000,000.00 out of Water & Sewer System Consolidated Construction Fund for spending authority to address the Emergency Repair of the 5500 N. Braeswood Cave-In for Public Works & Engineering Department - **DISTRICT C - GOLDBERG** – **(This was Item 17 on Agenda of February 12, 2003, TAGGED BY COUNCIL MEMBERS GOLDBERG and KELLER)** - was presented. All voting aye. Nays none. Council Member Tatro absent. ORDINANCE 2003-0192 ADOPTED.
- 41a. MOTION by Council Member Tatro/Seconded by Council Member Vasquez to adopt recommendation from Finance & Administration Department to award to **INSITUFORM TECHNOLOGIES, INC** for Spending Authority to address the Emergency Repair of the 5500 N. Braeswood Cave-In for Department of Public Works & Engineering - \$3,000,000.00 Enterprise Fund - **DISTRICT C - GOLDBERG** – **(This was Item 17a on Agenda of February 12, 2003, TAGGED BY COUNCIL MEMBERS GOLDBERG and KELLER)** - was presented. All voting aye. Nays none. Council Member Tatro absent. MOTION 2003-0167 ADOPTED.

Council Member Goldberg stated that regarding Item Numbers 41 and 41a he had tagged those items and looked at a breakdown of all the costs and they were justified because it was an emergency and emergency's cost more money, but it was a situation where the sewer or the infrastructure was 40 years old and that was the life expectancy and was supposed to collapse after 40 years and that was what it did, but the cost, about \$3 million, which was what it cost, was the cost of a neighborhood reconstruction, they could do a whole neighborhood for the same price, and not just sewer, but water lines and storm drainage and other utilities, that he would like for someone from Public Works to get together with him and give him an idea of how much sewer lines they had that were 40 years old and could collapse, because they had

Almeda a few weeks ago and had something on Clay Street and it was beginning to happen all over and if they had to pay \$3 million for it every time they were going to lose money that could go to neighborhood street reconstruction, and Mayor Brown stated that they would have someone come and meet with him on it. Council Members Tatro and Robinson absent.

Council Member Galloway stated that she was certainly glad that her colleague, Council Member Goldberg, was looking at the issue because it was what she had been stressing for quite some time in the district she represented, about the infrastructure and hoped she could certainly get his support when the budget came up for them to do a whole neighborhood to upgrade those neighborhoods, because her infrastructure was approximately 50 or 60 years old. Council Members Tatro, Goldberg and Robinson absent.

42. ORDINANCE consenting to the assignment of the Tax Abatement Agreement between the City of Houston, **LAMONS METAL GASKET COMPANY** and **CATELLUS DEVELOPMENT CORPORATION** to **KOJAIAN MD TRI-STATE, L.L.C. - DISTRICT E - WISEMAN** – **(This was Item 32 on Agenda of February 12, 2003, TAGGED BY COUNCIL MEMBERS ELLIS)** - was presented. All voting aye. Nays none. Council Members Tatro, Goldberg and Robinson absent. ORDINANCE 2003-0193 ADOPTED.
43. ORDINANCE awarding contract to **SOLUTIONS SAFETY SERVICES, INC** for Cleaning, Decontamination and Repair Services on Fire Fighting Protective Ensembles for Fire Department & Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$1,900,540.62 - General and Enterprise Funds – **(This was Item 44 on Agenda of February 12, 2003, TAGGED BY COUNCIL MEMBERS ALVARADO, KELLER and VASQUEZ)** - was presented. All voting aye. Nays none. Council Members Tatro, Goldberg and Robinson absent. ORDINANCE 2003-0194 ADOPTED.
46. ORDINANCE approving and authorizing architectural services contract between the City of Houston and **JAMES S. WALKER ARCHITECTS** for Architectural Programming/Predesign Services in connection with the Gregory School Building, GFS E-0144-01-2 - \$138,819.00 Grant Fund - **DISTRICT I – ALVARADO** – **(This was Item 60 on Agenda of February 12, 2003, TAGGED BY COUNCIL MEMBER KELLER)** - was presented. All voting aye. Nays none. Council Members Tatro, Goldberg and Robinson absent. ORDINANCE 2003-0195 ADOPTED.

The City Secretary stated that Council Member Edwards had released her tag on Item No. 12. Council Members Tatro, Goldberg and Robinson absent.

12. RESOLUTION approving the action of the City of Houston Higher Education Finance Corporation for Houston Student Housing II, LLC (Tierwester Oaks and Richfield Manor Projects) - **DISTRICT D - EDWARDS** - was again before Council. All voting aye. Nays none. Council Members Tatro, Goldberg and Robinson absent. RESOLUTION 2003-0003 ADOPTED.

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

Council Member Sekula-Gibbs stated that she was surprised to hear on the television that the Police Department, in some fashion, had reduced helicopter coverage and would like for someone from the Police Department to either brief the whole Council or at least brief her on why that happened after Chief Bradford told them that he was not going to do it, and Mayor Brown stated that it had not happened yet, but was one of the items they were looking at in terms of scaling back their expenditures to meet budget, that it was on the table, and Council Member Sekula-Gibbs stated that she would like to speak against reducing their helicopter service and actually expanding it. Council Members Tatro, Goldberg and Robinson absent.

Council Member Sekula-Gibbs stated that she had spoken with Mr. John Bales yesterday about a summit that was occurring in Washington, D.C. on March 3 through 5, 2003 and would be an understanding of allocation opportunities from the Home Land Security Bill, that Mr. Bales was very interested in attending that and was considering it and the Mayor was probably aware of it, but the issue was very big, that the Home Land Security Bill contained \$4.5 billion, that in this case they did need to send representatives to Washington to understand how the \$4.5 billion was going to be allocated, that she thought they must send representation, whether it was directly from the Police Department or Health Department or if Mr. Bales could do the whole job, but she thought it was critical that they were present at the Washington summit, that she would like to meet with Mr. Bales and Chief Bradford on the helicopter issue. Council Members Tatro, Goldberg and Robinson absent.

Council Member Parker stated that in reference to the helicopter issue, Council Members would recall that the Chief simply came to committee and laid out four areas where he thought the department could safely and reasonably cut expenses and one of those areas was the helicopter division and she would respectfully disagree with her colleague, that they had one of the largest helicopter fleets of any City in the Country and thought they could safely reduce it by half and still meet their requirements for inspection of water lines and so forth. Council Members Tatro, Goldberg and Robinson absent.

Council Member Parker stated that the only item she had was the item on Channel 13 last night about delinquent library fees and would like the administration to follow through and visit with her on that. Council Members Tatro, Goldberg and Robinson absent.

Council Member Alvarado stated that she too wanted to comment on Council Member Sekula-Gibbs remarks regarding the helicopters, that she did not think if they had a bio terrorist situation that those helicopters would be affected, she believed they were talking about the ones that did the routine flights around the City, that they flew out every couple of hours. Council Members Tatro, Goldberg and Robinson absent.

Council Member Alvarado stated that they had a speaker at Council yesterday to complain about getting a ticket for passing a red light on the street crossing Main, that was blocked, that she wanted to reiterate that she thought it was ridiculous, that she knew they needed all the revenues they could get, but ticketing someone for passing a street that was shut down did not make any sense, that she thought they wanted to make sure that they did everything to make downtown a place where people wanted to come and visit, it certainly deterred people from coming downtown, so she hoped that HPD and Public Works would get to work on that.

Council Member Alvarado stated that she wanted to congratulate the Port of Houston, last week they received their coffee designation, that as they knew it had been a very long process and started with Senator Gallegos and Representative Joe Moreno introducing legislation to allow for the Port to be considered as a Coffee Port Designation and also took the passing of a Constitutional Amendment, which was not very easy to do, it happened every once so often in their State, so she wanted to congratulate the Port on getting that designation from the New York Port of Trade. Council Members Tatro, Goldberg and Robinson absent.

Council Member Alvarado stated that she lost a bet last night to a friend of hers who was on the City Council in Los Angeles, that they were betting on the Rocket and Laker game, so if they saw her walking around in Laker gear, that was why. Council Members Tatro, Goldberg and Robinson absent.

Council Member Berry stated that he wanted to commend the administration on working with TXDOT to get Spur 527 closure postponed, because he thought that was a train wreck waiting to happen, that he and Council Member Parker went to more than a few meetings in the community and knew there was a lot of concern, particularly that it was going to happen at the same time that 610, between Hwy 59 and I-10 was going to be closed, that he did not know who

in the administration led that but would like to commend them. Council Members Tatro, Goldberg and Robinson absent.

Council Member Berry stated to follow up the issue on the library fines that Channel 13 carried the other day, the \$9.6 million in overdue library fines, that it concerned him quite a bit, that Ms. Brenda Tirrell in the library did not seem terribly concerned with the problem and suggested that it was just the cost of doing business, that they had seen a pattern throughout the City in how they collect fees, or better yet do not, and that was that they provide ambulance services and were just not going to worry about how they collected it, they were not going to collect on the Municipal Court fees and not going to collect on their Property Tax fees and at some point they were leaving millions of dollars and it was adding up to close to \$100 million in uncollected fees and fines over all the departments and thought it was a real problem, that it was also reported, and they verified it with several people, that if they owed fines and fees they were not receiving the notices of overdue fines, that the library stated that they were sending out two notices and they could not find anyone who had ever received one of the notices, and Council Member Parker stated that she had received a notice, and Mayor Brown stated that he had seen them so it was just not true, and Council Member Berry stated that it was not true if he had seen one in that case, but more than a few people that had overdue fines told them that they never received anything, that a typical amount owed, according to Channel 13, was \$20 to \$30, but they had individuals owning \$5,000, one of whom checked out 235 books, that he thought they needed to put in place some solutions and he had a few thoughts, that first of all that they send out regular notices, so he would like to see from the library the program they had for mailing them out and their initial request was not met with a lot of excitement, so he was a little disappointed there, that the second thing, was to publish the names of those owing library fines on the City's website, that another way they could take it up was to use setoffs, that they did some research on it and talked to Ms. Judy Johnson's office, and read Section 2.138 of the Code of Ordinances, located under Article V. Financial Affairs, Division 1. Generally, that they had seen Paul Bettencourt's Office at the Tax Assessor Collector take an aggressive approach to it with regard to personal property taxes, that in Evanston, Illinois denied non essential City services to anybody who owed money to the City, that he thought what they had to decide was if they owed money to the City and it was over the course of a pattern, then they were going to deny them non essential City services, that finally he thought that they should put the library fine and fee collections back into the Library Department and the library would have a reason to go out and collect them, that as it was presently they went to the General Fund and they never saw any benefit, that those were his solutions to solve the problem. Council Members Tatro, Goldberg and Robinson absent.

Council Member Wiseman stated that she was all for anything they could do to cut down on their waste and to collect what was owed to them. Council Members Tatro, Goldberg and Robinson absent.

Council Member Wiseman stated that she had an issue with respect to some building that was going on in the Beverly Hills Civic Association, that she was contacted by the president of the association about some building that was going on in that subdivision, that there was a property owner who was in the process of building a one story apartment behind his home and it was in violation of deed restrictions and they did not have a building permit, according to the City's Permit Division, the association had contacted both the Legal and Planning Departments, but still the construction was going on, that she would like to see what they could do about putting a stop, at least temporarily, to see what they could do to rectify the situation, that she would like some assistance with that and would like to meet with Mr. Litke and a representative of the Legal Department to see what they could do about it. Council Members Tatro, Goldberg and Robinson absent.

Council Member Wiseman stated that with the limited purpose annexations that they had she had been contacted by a business owner in one of the areas that had been in business for many years and operated a small snow cone shop in the area and they had now been told that

they had to meet certain City codes and get certain permits and it was going to cost them \$10,000 to bring their facility up to City standards and they were looking for a temporary permit to carry them through the Spring and Summer season and they had been told that they could not do so, the Health Department would not give them that permit, and they have also shared with her that they were never notified about the limited purpose annexation and now they had been hit hard financially without any kind of assistance from the City in the way of working with them in making the transition, they could very well go under this year and she certainly did not want to see any small businesses suffer any more than they were suffering during this time, that she would like to meet with a representative of the Health Department and would like to meet with the Planning Department as well with respect to the Limited Purpose Annexations and how they affected the small mom and pop businesses. Council Members Tatro and Goldberg absent.

Council Member Galloway stated that the Fire Academy was still making indifferences among the cadets, what had happened was when a cadet was ill or gets injured on the job, it depended who they were, some of them got four weeks off, even in Phase 1, whereas others may only be able to get two weeks off, and in Phase II or Phase IV they got four weeks off, and it depended really on the individual and she still wanted a complete overhaul of the academy and make it consistent for all cadets and have the same rules apply to all, that she really wanted the Mayor to seriously look into it about the unfair treatment of some cadets versus the others, that she had some names of the ones given a longer period of time versus names of some who were only given a shorter period of time and were not able to complete their physical portion of the academy because they had been injured and did not have time to recuperate, that it was very serious matter and was still going on. Council Members Tatro, Goldberg, Wiseman and Vasquez absent.

Council Member Robinson stated that he had distributed a memo at the Council table, that it was a request for Council Member Edwards to see if she would put on the Public Safety Committee's agenda a formal request to the Legal Department to draft an ordinance that would combine several departments into a new Public Safety Department, that he hoped she would give that some consideration and they could discuss it in committee. Council Members Tatro, Goldberg, Wiseman and Vasquez absent.

Council Member Edwards stated that she wanted to congratulate community groups in the district regarding their work on US 59 and Spur 527, facility the facilitators group of West Alabama called the Black Coalition and Mr. Vanden Bosch for his work, that one of the main problems that she had seen in the whole process was that from her estimation TXDOT seemed to have worked very diligently on design but gave little thought or time to the consequence of how the traffic was going to be moved from the Spur into the communities, so it was kind of left to the City to mediate the madness that would be developed from the design and she would just like to congratulate the community and Mr. Vanden Bosch, that they still did not have the perfect design but thought they had a lot better one than they would have if Mr. Vanden Bosch had not taken the lead and charge in it and the facilitators group and the Quality of Life group. Council Members Tatro and Goldberg absent.

Council Member Edwards stated that she was at a civic club meeting last night at Hiram Clark Civic Club, under the leadership of Ms. Claudette Edwards and they were giving kudos to the Legal Department for their help on their deed restrictions, that she also wanted to congratulate the Hiram Clarke Civic Club for taking a situation on in their community and going up to Austin and winning their battle. Council Members Tatro and Goldberg absent.

Council Member Edwards stated that on Thursday night the Almeda Civic Club was looking forward to seeing the Mayor out there, that they had now a national story on the sink hole, that she had seen it on CNN and so forth, that they had worked very hard at being real partners on this effort and were really looking forward to seeing the Mayor. Council Member Tatro absent.

Council Member Edwards stated that she wanted to know if it was true, that Council Member Parker had brought up yesterday, or inferred, that there had been some type of talk of retaliation to the Council from the State folks if they did the resolution, that if it was true she would hope that whoever had the audacity to make those kinds of claims that they would just come to City Council so they would know who they were, that she resented very strongly any group of people telling them that they did not have the right to do due process in a democratic republic, that it was not a benevolent dictatorship and she did not need State officials to imply that they would retaliate against the City if they felt they needed to discuss something and indeed vote on it, regardless of how the vote came up or down, that she did not know if it was true or not, but would really like for the Mayor to find out if it was true, and did not know what difference it would make if it was true or not, but it really bothered her, that they needed more synergy with all the stuff that was going on, that not only in the State but in the Country, elected officials needed to be working together instead of trying to control and manipulate one another, that she would hope that it was not true. Council Member Tatro absent.

Council Member Vasquez asked Mr. Haines where they were in terms of writing the Drainage Utility Fund Ordinance and what the status of that was, and Mr. Haines stated that they had one more presentation tonight, one more townhall meeting, that they had been compiling a list of questions and issues that had been raised at all of the meetings and their plan was to have a presentation summarizing the results of those meetings as well as the highlights of an ordinance proposed for the TTI meeting, he believed, was scheduled for next Monday. Council Member Tatro absent.

Council Member Keller stated that they talked about a lot of somber issues in the last few weeks and thought it was becoming more so and he attended the opening of the Aquarium downtown and expected it to be unbelievable in relation to many of the others that he had attended in the area, that it was brilliant and regardless of what one's sentiment was of Mr. Fertitta he was a bright light and had done an incredible job of developing that part of downtown and it was an asset beyond measurable value, that the lines, as they could tell, were already phenomenal and thought they would continue to be and thought that it would continue to be a steady pulse to downtown and especially that part of downtown, to tie in all the way along to the eastside, that it was an incredible development. Council Members Tatro and Berry absent.

Council Member Keller stated that he wanted to compliment a couple of Public Works and Engineering employees with the Utility Customer Service, Ms. Delores Franklin and Ms. Gina Flores had handled a number of requests from the Hammersmith Community, which was large in his district, and he got a letter from their association president when they conducted a hearing and he wanted to personally thank both of them for the professionalism with which the hearing they conducted was held, that he wanted to thank them for that because when they did that it made his staff happy and made him happy, that as everyone around the table knew they did hear the bad news a lot more than the good news and he appreciated that. Council Members Tatro and Berry absent.

Council Member Quan stated that he wanted to congratulate Council Member Ellis, that he saw recently in the Texas Catholic Herald that he received the National Catholic Education Association's Distinguished Graduate Award from Saint Francis De Sales High School. Council Members Tatro and Berry absent.

Council Member Quan stated that last week a nurse from the Sunnyside Clinic came to Council, Ms. Johnson, and invited them to go out to Sunnyside to see what was going on, that she was very concerned about how their health clinics were being operated, that as they knew they had eight health clinics around the City, that Monday he and his chief of staff went out there and they were delighted to see a great deal of very dedicated individuals, but also very disappointed by the way the clinic was being operated, that one of the first complaints they had was that the process of screening people was the self declaration process, they had a sliding scale, but they saw people come in Jaguars and other very expensive cars and say they have



no income so they had to treat them, that the State and County have a system that they check through Social Security numbers their income levels to verify whether they qualify for their clinics or not, but the City did not have that, that it seemed very rudimentary and something that they should address immediately, the second concern they had was the lack of billing, that there was over \$700,000 of bills that had not even gone to the federal government that they were entitled to for work that their clinics had provided and that was because they had a temporary clerk, and because of the budget restrictions they laid off that temporary clerk, for four years they had that temporary, one would think that they would have a permanent position to do billing to get the federal government to give them back the money for the services they rendered, that the third concern they raised were the prescriptions, under their protocol they give prescriptions for up to a year, so that people would receive 14 months of prescriptions and they would end up selling those prescriptions and go to another clinic and get more prescriptions, that it was an abuse that they had to stop, that they were just giving away their money for nothing, that a consolidated appointment system was instituted recently and people could not make appointments for the clinic because they could not get through on the telephone because the telephones were jammed, now had they saved money by having that consolidated system, no, they still had the same clerks sitting around waiting for people to come in and it was an inefficient change of procedure, they needed to have some accountability from the Health Department on these things, that they were all concerned about the public health and they all worked last budget cycle to make sure they restored money to the Health Department, but how do they restore money when the department was seemingly squandering opportunities that it had and was not taking care of itself as it was, that he would like an investigation of the changes and procedures to make sure that they address them, that here they were in a tight budget squeeze and people were clearly abusing the facilities who could afford otherwise to pay for prescriptions and pay for services themselves, so he ask that they look into it very seriously and immediately, and Mayor Brown stated that they would. Council Member Tatro absent.

Council Member Quan stated that as Council Member Edwards talked about they had a number of speakers in the last month come before Council requesting the Council to take some action in the opinion of the situation in Iraq, that he had introduced a resolution supporting the United Nations inspectors in Iraq, that he knew the Mayor had declined to put it on the agenda, but thought that democracy at least deserved a debate on the issue, they may lose, and there may be many of them on the Council who did not support that, but he thought it was an issue that affected their daily lives in the Country and City and their abilities to operate, that they had seen the affects of 9/11, a war would have even greater affects on their economy, not to mention the lives of American citizens as well as citizens in other countries, so he would again ask that they not be intimidated by rumors that Austin or somebody else may have some retribution towards them, but as responsible elected officials to at least put it on their agenda and have a debate on it. Council Members Tatro and Parker absent.

Council Member Goldberg stated that right now there was construction going on for Galleria IV on West Alabama between the two Galleria's, that there was lane closure permits granted for two out of the four lanes, but the construction companies there were really abusing it and were actually using up three lanes and it was very difficult for traffic to get through in an area that was very congested anyway and wondered if someone from either Planning or Public Works could either pull one of those lane closure permits or as the companies to abide by the permits that they were granted, and Mayor Brown stated that they would have the appropriate department follow up and take care of that. Council Members Tatro, Wiseman and Parker absent.

There being no further business before Council, the City Council adjourned at 10:23 a.m. upon MOTION by Council Member Keller, seconded by Council Member Vasquez. Council Members Tatro, Wiseman and Parker absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary