

City Council Chamber, City Hall, Tuesday, August 12, 2003

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 12, 2003, Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Gabriel Vasquez, Carol Alvarado, Gordon Quan, Shelley Sekula-Gibbs, M.D., Michael Berry; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Bert Keller absent on personal business. Council Member Carroll Robinson absent on city business.

At 1:58 p.m. Mayor Brown stated that Council would begin their presentations. Council Member Galloway stated that today there was a special young lady present and invited Miss Tiffany Calhoun and her Grandmother and Godmother to the podium. Council Member Galloway invited Tiffany to demonstrate her talent of motivational speaker which she did and then presented her a Resolution wishing her continued success and proclaiming August 12, 2003, as "Tiffany Sharvon Campbell Day" in the City of Houston. Council Members Tatro, Goldberg, Ellis, Vasquez and Alvarado absent.

Mayor Brown invited Chief Priscilla Kuye and the members of the Nigerian-American Chamber of Commerce Delegation to the podium and stated that this delegation was exploring opportunities for trade and economic cooperation between Houston businesses and Nigeria businesses and presented them a Proclamation commending their efforts in strengthening businesses ties, extended best wishes for a successful and rewarding event and proclaimed August 12, 2003, as "Nigerian-American Chamber of Commerce Day" in the City of Houston. Chief Kuye stated that they were promoting business and trust between Nigeria and America and Houston was only one of six cities they were visiting and thanked them for the Proclamation. Council Members Tatro, Goldberg, Vasquez and Alvarado absent.

Mr. Lonnie Vara, Director Human Resources, appeared at the podium and stated the CMC was beginning for this year and the annual Mayor's Executive Luncheon was kicking off the campaign Thursday, August 14th from 11:45 a.m. to 1:00 p.m.; that there would be a silent auction and it was a very worthwhile campaign and called upon Council Member Goldberg the CMC Chairperson to speak; and Council Member Goldberg stated that he was honored to be Chair and they were rewarding Council Members who brought in the most silent auction items or the one item that raised the highest bid; that they would try and put all items on the internet to raise as much as possible. Council Members Tatro, Vasquez and Alvarado absent.

At 2:14 p.m. Mayor Brown called the meeting to order and Council Member Berry invited Rabbi Bryan Strauss with Congregation BethHa'Sem to the podium who led all in the prayer and Council Member Berry led all in the Pledge of Allegiance. Council Members Tatro, Vasquez and Alvarado absent.

At 2:17 p.m. the City Secretary called the roll. Council Member Keller absent on personal business. Council Member Robinson absent on city business. Council Members Tatro and Vasquez absent.

Council Members Quan and Galloway moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Keller absent on personal business. Council Member Robinson absent on city business. Council Members Tatro and Vasquez absent. MOTION ADOPTED.

Council Member Wiseman stated that as a point of personal privilege she wanted to introduce the children participating in the Summer Junior Page Program and asked them to stand to be recognized. Council Members Tatro and Vasquez absent.

Council Member Quan moved that the rules be suspended for the purpose of hearing Ms. Florence Nguyen and Ms. Kim Nguyen after Mr. Bill Linthicum, seconded by Council Member Tatro. All voting aye. Nays none. . Council Member Keller absent on personal business. Council Member Robinson absent on city business. Council Member Vasquez absent. MOTION 2003-0987 ADOPTED.

Mayor Brown stated that the City Secretary would begin to call the speakers. Council Member Vasquez absent.

Mr. Bill Linthicum, 10554 Tanner Rd., Houston, Texas 77041 (713-849-8475) appeared and stated that he was chairman of Keep Houston Beautiful, introduced others with him and stated that today they were presenting to the City of Houston an award from the State of Texas and a check; that the award culminated from ten months of program services performed by the City of Houston and Keep Houston Beautiful, four weeks of intense work on the application was completed during the past spring by Keep Houston Beautiful and it contained data and statistical sheets and supplemental information describing their environmental programs and they competed in a category of cities including San Antonio, Austin, El Paso, Dallas and Corpus Christi and on July 11th Keep Texas Beautiful held their annual conference and not only did they win the awards but won with honors and also an additional award, the Award of Excellence, scoring 97.67 out of 100 points available and presented Mayor Brown with the Governor's Community Achievement Award for First Place and a check for \$265,000 to go toward a highway right-of-way project in Houston. The Mayor and Council Members congratulated those with Keep Houston Beautiful, commended them on their efforts and wished them continued success. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Ms. Florence Nguyen, 10306 Ivy Oaks Lane, Houston, Texas 77041 (713-896-6470) appeared and stated that she was present speaking for her mother, owner of Best Mini Mart, in the Third Ward; that recently their store was targeted by the FAST Unit for closure because of

arrests made on the property for related narcotic offences; that she understood the FAST Unit and HPD were trying to clean up the neighborhood and make the streets safer but did not believe issuing a closing notice to a business which had been a part of the community for more than 22 years would solve the drug and violence problems; that they were the only store within walking distance to many homes and it was how her family made a livelihood; that a petition was circulated and 215 signed within four hours for them to remain open; and she urged that the business remain open. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Upon questions by Council Member Quan, Ms. Nguyen stated that the store was built 11 years ago, but they had been in the community 22 years; that the first written notice received was August 4th; that police who did come did nothing more than patrol, they never said their business was a nuisance; that after receiving notice her mother met with the Assistant City Attorney and Fire Marshals and police officers and they were asking her to sign an agreement settlement which would mean they would voluntarily close for three months and they did not want to do that as it was their livelihood; that the nearest store to them would be one to two miles and they were willing to comply with HPD but nothing was brought to them before the closure notice. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Nguyen stated there was one incident in the store where a patron came in and wanted to get change for a bill but he couldn't because he was too busy at the time and as it turned out that bill was marked so officers came in and arrested him, but other incidents occurred outside; that they were never robbed or assaulted but they were broken into during the night through the roof; that officers told her Mom the business was in a dangerous area and she could hire them for \$3,000 a week but would need two officers because they were not safe and that was not true. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Council Member Edwards stated that she would like a meeting with her Mom and the captain from the area and see if they could work something out because they did have strong community support and she would like them to contact her office. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Mayor Brown stated that Mr. Robert DeYoung was present and would speak with her, follow-up and see what could be done to correct the problem. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Council Member Quan stated that the Nguyen's were facing a deadline; they were advised if they did not sign the agreement by Friday a suit would be filed against them and he appreciated the Mayor's and Council Member Edwards support. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Ms. Kim Nguyen, 9218 Baber, Houston, Texas 77095 (281-858-8117) appeared and stated that she was president of the Vietnamese Community and they were concerned that the City of Houston had targeted various Vietnamese owned stores as nuisances because of actions by the customers; that Best Mini Mart was being ordered to close for three months beginning Friday and they did not break the law, but police made drug arrest on the parking lot; that they had been in the neighborhood over 22 years and it was the owners only store in the neighborhood; that the city did not try to help but wanted two officers hired for 80 hours a week and it would cost over \$12,000; that the owner was a single mother trying to put three children through college, if they closed it would hurt the children and the neighborhood; and urged that time be given to Ms. Nguyen to work with the city. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Council Member Quan stated that he would like to see about getting a meeting with the store owner and the FAST Team to see how they could work better; that a community was torn

and they were being penalized; that if they worked together he felt they could get to the root of the problems. Council Members Galloway, Ellis, Vasquez, Alvarado and Berry absent.

Council Member Goldberg stated that every month an organization in Southwest Houston met and begged the FAST Team to come and they could get no action and there was much criminal action there; that this was backwards and he hoped to find out who was pushing it and have it switched to those who did need the attention. Council Members Galloway, Ellis, Vasquez, Alvarado and Berry absent.

Upon questions by Ms. Nguyen, Council Member Quan stated that it was his understanding another store in the area had orders to close as well; and Mayor Brown stated that was being worked on as well. Council Members Galloway, Wiseman, Ellis, Vasquez, Alvarado and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Tatro, Council Member Quan stated that Section 125 of the ordinance provided that if a business showed to be a public nuisance then the courts could order closure; that at this point there was no court order, they were being asked to sign an agreement closing or it would be. Council Members Galloway, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that they would work with them. Council Members Galloway, Wiseman, Ellis, Vasquez, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Juan Houston, 6431 Sherwood, Houston, Texas 77021 (713-842-2275) appeared and stated that Best Mini Mart was also the nearest store to the University of Houston and was used by a lot of students; that today he came regarding a crime problem he had in his neighborhood; that he spoke before Council three times in the last three years; that there was a crack house

on Sherwood Dr. and with him he had 13 pages of crimes just dealing with his home; that Council Member Edwards and Chief Bradford had helped and he had done all he could and he did not know what else he could do; that his mother was run out and he was now in it; that recently he had trouble with Neighborhood Protection, today there was trash all over the side of his yard from the person he called Neighborhood Protection on, but he was ticketed; that when asking city services for help they should not be the ones ticketed and they were asking for help. Council Members Galloway, Ellis, Alvarado and Berry absent.

Mayor Brown stated that Matti Terrell was with Planning and would meet with him at this time. Council Members Galloway, Ellis, Alvarado and Berry absent.

Upon questions by Council Member Edwards, Mr. Houston stated that Neighborhood Protection came out and ticketed him, he was cited for a vehicle in his back yard and the grass was too high, but he made the complaint on someone for trash and he was ticketed; that he did have an inoperable vehicle but it was being restored and his grass was too high; that he asked for ordinances he was to be in violation of but was told to go to Neighborhood Protection to get them. Council Member Edwards stated that she would like to set up a meeting with him and Neighborhood Protection and find out what the problems were and someone in her office would contact him. Council Members Tatro, Galloway, Ellis, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Junyia Wei, 4454 South MacGregor, Houston, Texas 77021 (713-842-2814) appeared, presented information and stated that she would have liked to celebrate her son's birthday with her family in China but could not; that she and her husband were not allowed passports because they were Falun Gong practitioners and on the blacklist of the Chinese government; that in China they would be put in prison; that many innocent people were tortured and imprisoned for following Falun Gong and she was asking the Mayor and Council to add their voice to those who did not think it okay for government to hunt down and destroy people

who only wanted to practice their spiritual beliefs. Council Members Tatro, Galloway, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that they had her material and would take a look at it. Council Members Tatro, Galloway, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, 8630 Valley South Dr., Houston, Texas 77078 (no phone) had reserved time to speak but was not present when her name was called. Council Members Tatro, Galloway, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. George LaBlanche, 12806 Southspring, Houston, Texas 77047 (no phone) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

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

Mr. Joseph Marroquin, 12018 Carlsbad, Houston, Texas 77085 (713-927-6398) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he was present to speak to the Mayor and Council on misinformation and misuse of power on the part of the Mayor last time he spoke before Council; that he pointed to someone in the Chamber and said she would help him with his problem which was with Mr. Gary Bridges, the chief administrator over the Permitting Department, but when he went to speak with her she said she did not know why the Mayor sent him to her because Gary Bridges was her boss and she could not tell him anything; that he felt it was a power play to get him out of the Chamber because when his three minutes was up and he stepped out there and she said there was nothing she could do then he could not come back in and say anything; that he had been coming for two years with the same problem that was now going on out at Hobby Airport, the way the permits were being issued, but it was no problem when it was his problem but now that the big guys are having a problem they thought the issue needed to be addressed. Council Members Tatro, Galloway, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Johnson stated that he had been coming about two years with a problem where an inspector said he stole city stationary and on and on and he had been asking the Mayor and Council to help him with the problem, but it was like he had been asking the city to do him a favor; that he pulled a permit on a job and gave it to the owner and then they wanted to charge him for being the contractor and gave him two citations and he kept asking someone to look into it, but now the same problem was happening at Hobby Airport, permitting, but it was nothing when he had it and now that the big guys had the problem it was all over television, etc. Council Members Tatro, Galloway, Goldberg, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Sarah Cho, 4914 Dickson, Houston, Texas 77007 (713-868-0011) appeared, presented information and stated that she was present on behalf of Framework, Inc., the place she worked, their business sat on the whole block and they had parked vertically for years and

had no problems but for the last two months the police officer has been coming and giving tickets saying they were blocking the sidewalks; that she has had two tickets and they had a total of about 20; that yesterday someone brought a picture to frame and was not there more than 10 minutes, it was pouring rain and when they left they had a parking ticket; that she called and left a message to see what could be done to prevent the problem and a city planning officer came out and suggested maybe putting parallel parking at the end of the other side; that she was a single mom and really needed her job and there were 10 other employees who worked there also; that there was not even enough parking for employees much less customers and she was asking for Council's help. Council Members Tatro, Galloway, Goldberg, Alvarado, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Parker stated that vehicles may have parked across the sidewalk a long time, but that did not make it legal and many neighborhood associations were asking the City of Houston to crackdown on such parking, however, in some circumstances there was a discontinuance piece of sidewalk where surrounding property had no sidewalk; and upon questions by Council Member Parker, Ms. Cho stated that there business sat on the whole block then a street and then the sidewalk continued on and there were homes and businesses. Council Member Parker stated that she felt they were going to have a continuing problem as people needed access to the sidewalks; and Ms. Cho stated that they were asking for a loading and unloading zone sign. Council Member Parker stated that even for loading it was to be done in the street and not on the sidewalk and it was up to the business owner to make sure they had adequate parking, but she would be glad to visit with her and see if there were other alternatives. Council Members Tatro, Galloway, Goldberg, Alvarado and Berry absent.

Mayor Brown stated that Mr. Fiederlein was present and would meet with her at this time and see if they could be of any assistance. Council Members Tatro, Galloway, Goldberg, Alvarado and Berry absent.

Mr. Raymond Mbala, 2001 Bryan Street, Dallas, Texas 75201 (214-965-9454) appeared and stated that he was present on behalf of a local shuttle company, Texans Super Shuttle, whose offices were located at 5959 Westheimer and who were 100% minority owned and certified MBE by the City of Houston Affirmative Action and Compliance Department Company; that even though they were in a depressed economy they had conducted nearly \$1,000,000 into the City of Houston economy and created over 25 plus jobs; that they currently provided ground transportation for the greater Houston traveling public as well as visitors and was otherwise known as airport shuttle service; that after almost one year with respectful observance and compliance with the City Code of Ordinances they recently received permits to operate shuttle service to all major hotels and other destinations in the greater Houston area and throughout that time span and after numerous attempts to secure the proper permits it became clear to Texans representatives that some city staff members in the Houston Airport System and other city officials had no desire or intent to ever permit Texans to operate scheduled service in Houston and it was only after numerous meetings with Council Members and an obvious recognition of the law being on Texans side that permits were finally granted and with meetings it continued to be apparent that the desire and intent to not grant Texans a permit had been encouraged and continued to be encouraged by local cab companies; that they paid thousands to the city to operate and had operated a quality shuttle service the owners and drivers of Texans were still being subjected to a systematic effort by Yellow Cab with the help of city officials and the Airport Administration to eliminate them from the shuttle service market and the effect of it would be removing 20 vans servicing the greater Houston public. Council Members Tatro, Galloway, Goldberg, Alvarado and Berry absent.

Upon questions by Council Member Quan, Mr. Mbala stated that currently the city ordinance only provided for scheduled service, however, there was a recommendation by a study committee of the airport system that suggested service be altered to allow shared ride service which would allow the shuttle service companies to go not only from the airport to hotel destinations but from door to door locations as persons in the area would request, but that

decision had been tabled and the reason given was the post 9-11 impact to public ground transportation companies; that information they received indicated their service had been at least 88% to 90% on time. Council Member Quan stated that if he could get that he would like to see it because he had received letters complaining about Texan and saying they never showed up; and Mr. Mbala stated that they were very interested in not only the amount of complaints he had received regarding their service, but those customers who did complain as it was their goal to provide the highest service. Council Members Tatro, Galloway, Goldberg, Edwards, Sekula-Gibbs, and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Ellis, Mr. Mbala stated that the hearing scheduled for tomorrow was in the process of being rescheduled, it was a time conflict for him and to the best of his knowledge was not being held. Council Member Ellis stated at the Regulatory Affairs Meeting Monday F & A said they were meeting with them Wednesday; and Mr. Mbala stated that there was a conflict along with other procedural matters which needed to be addressed and until they could get proper response they could not prepare for such a hearing. Council Member Ellis stated that he was informed and provided with information where individuals may buy a round trip ticket from Texans Shuttle and only got it one way; and Mr. Mbala stated that they received information regarding such complaints and based on their investigation it was explained another shuttle company would come right before their departure time, accept the Texans Shuttle ticket and take them. Council Member Ellis stated that he could not understand why they would not show up at the hearing, they were looking at the reputation of their permit and it was important for them to show up and he could not understand why they were trying to avoid it; and Mr. Mbala stated that it was not an avoidance, but a conflict. Council Member Ellis stated that he hoped they would be able to address the problems, stay in business and if they had not committed violations move forward and try and rectify the problems, but he would encourage him to rearrange his schedule and be at the hearing tomorrow and if not Mr. Daniels was present and he could speak with him. Council Members Galloway, Goldberg, Edwards, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Ellis moved that the rules be suspended for the purpose of hearing Mr. Blanton Daniels of F & A, seconded by Council Member Tatro. No vote was recorded as a quorum was not present. Council Member Keller absent on personal business. Council Member Robinson absent on city business. Council Members Tatro, Galloway, Goldberg, Edwards, Alvarado, Sekula-Gibbs, and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Ellis, Mr. Daniels stated that he was not the one holding the hearing; and Council Member Ellis withdrew his motion. Council Members Tatro, Galloway, Goldberg, Edwards, Alvarado, Sekula-Gibbs, and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Vasquez, Mr. Mbala stated that he operated a scheduled ground transportation from the airport to hotels. Council Member Vasquez stated that he was at a Kinko's and a Texans Super Shuttle pulled up and dropped off a passenger, waited and took them back to where they were going and it certainly did not look like they had bags; that later he was at a restaurant when Texans Super Shuttle showed up acting as a taxicab and not as a scheduled ground transportation; and Mr. Mbala asked if he submitted a complaint to ground transportation so they could investigate. Council Member Vasquez stated that he thought their complaint file was fairly thick with incident after incident; that he did not submit a complaint but was doing so to him at this time; that he felt the concern of the city, in terms of the taxicab industry and the Council as leaders, was that they were not operating in good faith and there was example after example where they were in violation; that he believed it had been about two months since Aviation had been trying to schedule an appointment with him to have a hearing and it sounded like he was avoiding the hearing as opposed to trying to address the issues and put them behind, and it sounded like Texans Shuttle was operating as a taxicab, that they found a loophole in the system and were avoiding the hearing to continue operating as they were and if that was not the case they should go to the hearing and straighten it out and come back and do business; and Mr. Mbala stated that evidence was baseless in fact

and if there was any delay in scheduling a hearing it was not on their part but on the part of the Airport Administration. Council Member Vasquez stated that until the hearing occurred he felt he was making his situation worse, and though it was just his opinion at the same time he voted and would be happy to cast his vote in a manner in the best interest of the city and until he saw he was resolving the complaints and operating in a legitimate manner he would continue to assert that Aviation do whatever action necessary to take appropriate action. Upon questions by Mr. Mbala regarding whether Council Member Vasquez had already made a determination Texans was in violation of the code, Council Member Vasquez stated that it was his opinion that given the evidence presented and his actions in avoiding a hearing that maybe he was guilty. Council Members Tatro, Galloway, Goldberg, Edwards, Sekula-Gibbs, and Berry absent. (NO QUORUM PRESENT)

Mayor Brown stated that Ms. Warford was present and could set a time to meet with him; and Mr. Mbala stated that was excellent. Council Members Tatro, Galloway, Goldberg and Berry absent.

Mrs. Dat Chau, 15215 Mesa Rd., Humble, Texas 77396 (281-441-8456) appeared with a translator who stated that he worked for the city and Mrs. Chau wanted him to help her; that she wanted to present herself, but if she needed translation or explanation he would assist her. Mrs. Chau stated that she had one small business; that on Saturday, June 21 she watched television and saw what happened, but she kept silent because she not speak English well; that she come here...; her translator stated that from what he understood she had a nail business in Humble and a problem and wanted to complain, but he was not quite sure what she wanted to complain about so it was hard to explain. Council Members Tatro, Galloway, Goldberg and Berry absent.

Mayor Brown stated that Mr. Cantu would meet with the two of them at this time and see if he could be helpful. Council Members Tatro, Galloway, Goldberg and Berry absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016-5103 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Tatro, Galloway, Goldberg and Berry absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and voiced his personal opinions until his time expired. Council Members Tatro, Galloway, Goldberg and Berry absent.

At 3:28 p.m. City Council recessed until 9:00 a.m., Wednesday, August 13, 2003. Council Member Keller absent on personal business. Council Member Robinson absent on city business. Council Members Tatro, Galloway, Goldberg and Berry absent.

City Council Chamber, City Hall, Wednesday, August 13, 2003

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, August 13, 2003, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelley Sekula-Gibbs, M.D. and Michael Berry; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney, Mr. Paul Bibler, Senior Counsel, City Attorney's Office and Ms. Marty Stein, Agenda Director, present. Council Members Carol M. Galloway and Bert Keller absent on personal business. Council Member Carroll Robinson absent on city business.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:12 Mayor Brown reconvened the meeting of the City Council. Council Member Tatro absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 31

ACCEPT WORK – NUMBER 7

7. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$352,869.50 and acceptance of work on contract with **GULF COAST LANDSCAPE SERVICES, INC** for Heights Boulevard Landscape Improvements, GFS F-0504-03-3 - 01.72% over the original contract amount - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. MOTION 2003-0988 ADOPTED.

PROPERTY - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel CY2-005, located at 1207 Mitchell Road, owned by William Clayton Thompson, for the **MELROSE PARK SANITARY SEWER LIFT STATION PROJECT**, CIP R-0267-62-3 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. Council Member Tatro absent. MOTION 2003-0989 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 11

11. **AGILENT TECHNOLOGIES, INC** for One Gas Chromatograph System from the State of

Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Health & Human Services Department - \$38,834.40 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. MOTION 2003-0990 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 30

14. ORDINANCE finding no special benefit to the abutting owner of property described as Lot Ten (10), Block 45, Highland Heights Annex Number Six (6), and authorizing the release of certain assessment liens and apparent liens created by Ordinance No. 82-1337, passed August 25, 1982, for the initiation of a paving project for the permanent improvement of a portion of West Montgomery Road in the City of Houston, Texas - **DISTRICTS B - GALLOWAY and H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. ORDINANCE 2003-0742 ADOPTED.
15. ORDINANCE consenting to the addition of 153.5106 acres of land to **HUNTERS GLEN MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. ORDINANCE 2003-0743 ADOPTED.
16. ORDINANCE establishing the east and west sides of the 1100 block of Allston Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. ORDINANCE

2003-0744 ADOPTED.

17. ORDINANCE establishing the south side of the 700 block of Bayland Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. ORDINANCE 2003-0745 ADOPTED.

18. ORDINANCE establishing the east and west sides of the 1000 block of Columbia Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - VASQUEZ** – was presented. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. ORDINANCE 2003-0746 ADOPTED.

25. ORDINANCE approving and authorizing submission of the Budgets for Bureau Of Nutritional Services, Women and Children (WIC), Tuberculosis, Title V-Parts A & B, Associateship for Community Health and Resources Development, and Title XX Programs for the 2003-2004 contracts with the **TEXAS DEPARTMENT OF HEALTH** (TDH Contract No. 7460011640-04); authorizing the Director of the Health & Human Services Department to accept related applicable contract change notices and to accept any supplemental change notices during the grant period; declaring the City's eligibility notices during the grant period; declaring the City's eligibility for such grants; authorizing the use of interim funding from the General Fund, not to exceed 15% of the requested level of funding for the WIC Program, and declaring intent to reimburse the General Fund from proceeds received from the Texas Department of Health for the WIC Program; authorizing the Director of the Health & Human Services Department to accept and expend such grant

funds and to accept and expend subsequent awards, if any - \$12,634,223.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. ORDINANCE 2003-0747 ADOPTED.

27. ORDINANCE consenting to the assignment from **KMC/TL SERVICES, LLC** as assignors to **KOETTER FIRE PROTECTION OF HOUSTON, LLC** as assignees of the contract for Fire Alarm System Replacement (No. C54780) authorized by Ordinance No. 2003-208 - **DISTRICT D – EDWARDS** – had been pulled from the Agenda by the Administration, and was not considered.

29. ORDINANCE appropriating \$150,000.00 out of Police Consolidated Construction Fund for Reimbursement for Joint Feasibility Study of Prisoner Processing Centers with Harris County Sheriff’s Office and Houston Police Department, GFS G-0037-02-2 - **DISTRICTS B - GALLOWAY; G - KELLER; H - VASQUEZ and I – ALVARADO** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

30. ORDINANCE appropriating \$818,686.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **POLYTECH, INC d/b/a PTI, INCORPORATED** for Construction Management, Engineering Construction Phase Services, and Inspection Services for Lake Houston Dam and Erosion Control Structure Repair Package 2, CIP S-0890-BN-3 (10567-2) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. ORDINANCE 2003-0748 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS

FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from Director Finance & Administration for membership renewal for the National League of Cities - \$34,411.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. MOTION 2003-0991 ADOPTED.
2. RECOMMENDATION from Director Department of Finance & Administration to approve proposed Fiscal Year 2004-2008 Capital Improvement Plan and establish a charge of \$50.00 plus tax and postage for the approved CIP documents – was presented, and tagged by Council Members Wiseman and Edwards.

ACCEPT WORK

3. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$699,450.00 and acceptance of work on contract with **CHARTER ROOFING AND WATERPROOFING** for Roof Replacement for the Wortham Theater, GFS B-0058-01-3 01.77% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. MOTION 2003-0992 ADOPTED.
4. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$32,800.00 and acceptance of work on contract with **CST**

ENVIRONMENTAL, INC for Asbestos Abatement and Selective Demolition at Former Police Station, GFS D-0113-02-5 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. MOTION 2003-0993 ADOPTED.

5. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$42,400.00 and acceptance of work on contract with **CST ENVIRONMENTAL, INC** for Asbestos Abatement and Selective Demolition, Canal Street Health Center, GFS D-0113-01-5 - **DISTRICT I – ALVARADO** – was presented.

Council Member Goldberg stated that on both Item Numbers 4 and 5 it was a situation where there was a building that was vacant since 1988 and there was a lot of miscommunication, that it was actually the Health Department's building and they thought they had given it to the Police Department and the Police Department said no they had no possession or control of it so the building had sat vacant since 1988, and finally something was being done about it and it was through Building Services, and he thought it just pointed out the need for a department like Building Services to keep an inventory of all the buildings because they had departments that were claiming they had no interest in a property and it just went abandoned; that the other part of it was something that Mr. John Silva was starting to institute and that was allocating money in the CIP for the demolition of every building they replaced, if a fire station was going to be replaced with a new one they add money in the CIP for the demolition of the old one, it just made sense and he thought they were going to finally be doing that for the first time.

Council Member Alvarado stated that she wanted to thank Mr. Al Haines and Mr. Silva for working with her office and also the Chicano Family Center, they would actually build a gymnasium and community center at one of the sites.

A vote was called on Item No. 5. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. MOTION 2003-0994 ADOPTED.

6. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$972,977.89 and acceptance of work on contract with **FROST CONSTRUCTORS, INC** for Heights Branch Library Renovation, GFS E-0023-01-3 - 11.58% over the original contract amount - **DISTRICT H – VASQUEZ** – was presented, moved by Council Member Quan, seconded by Council Member Vasquez, and tagged by Council Member Ellis.

Council Member Ellis requested that Building Services meet with Council Member Keller on the item and Mayor Brown stated they would make sure that happened.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,813,973.20 and acceptance of work on contract with **TEJAS CONSTRUCTION COMPANY** for Construction of an Eight (8) Million Gallon Water Storage Tank at the Southwest Pumping Station, GFS S-0610-23-3 (WA10597-23) - 03.39% under the original contract amount - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Quan, seconded by Council Member Tatro, and tagged by Council Member Ellis.

PURCHASING AND TABULATION OF BIDS

10. **TELEDYNE ADVANCED POLLUTION INSTRUMENTATION, INC (Bid No. 7)** to Furnish and Deliver Carbon Monoxide Analyzers for Health & Human Services Department - \$51,800.00, minus a commission fee (3% for Internet-based reverse auction services) in

the amount of \$1,554.00 for a net award amount of \$50,246.00 - Grant Fund – was presented, moved by Council Member Quan, seconded by Council Member Vasquez.

Council Member Quan stated that he wanted to comment how pleased he was that they used reverse auction on the item, the initial bids were like \$94,000 and as they could see they were down to \$51,000, so again he noted several Council Members who really supported it and was glad that Mr. Wells was now instituting more and more.

A vote was called on Item No. 10. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. MOTION 2003-0995 ADOPTED.

RESOLUTIONS AND ORDINANCES

12. RESOLUTION relating to Customs Services for arriving International Passengers at George Bush Intercontinental Airport/Houston – was presented.

Council Member Sekula-Gibbs stated that she wanted to thank the Mayor, Mr. Richard Vacar and members of the Houston Aviation System for helping to put the resolution together that would essentially call attention to the Federal Government and ask them to correct a problem of low staffing at the international terminal at the airport.

Council Member Edwards stated that she had not seen the resolution, and Council Member Sekula-Gibbs read the resolution and stated that they were asking the Federal Government for increased funding for the airport, that the airport was directly affected by the lack of staff and they needed more staff at the airport, that other airports across the Nation had over the necessary level of funding and Houston was at 12% below their required level.

Council Member Quan stated that he wanted to thank Council Member Sekula-Gibbs for leading the effort on the resolution, that again while some people may say that it was a federal issue and they should not be involved, but it directly involved their City, that as a lawyer he had practiced immigration law for over 25 years and airports get reputations, people knew what airports to avoid and what cities not to go to because they had a long waiting line and people were rude, so he thought the resolution went to show their efforts to make sure that they had an airport that was efficient and friendly, that with the split of the Immigration and Naturalization Service into three different bureaus there was a lot of confusion, and Houston had traditionally not gotten its fair share of people in the area, that he knew with the district office they had to petition them in the past to get more federally funding because of the long waiting lines of two and three years before an interview could be held, whereas in San Antonio it took six months, that he thought they needed to be proactive and let their views be known.

Council Member Wiseman stated that that she would be supporting the resolution, that it did involve federal funds but was an example of where different levels of government worked with one another, that unlike other resolutions they had seen at the table in the past, it was not one that was being addressed to another elective body so she would be supporting the resolution.

A vote was called on Item No. 12. Council Member Edwards voting no, balance voting aye. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. RESOLUTION 2003-0022 ADOPTED.

13. ORDINANCE approving and authorizing contract between the City of Houston, **HOUSTON INDEPENDENT SCHOOL DISTRICT, HOUSTON COMMUNITY COLLEGE SYSTEM, CITY OF BELLAIRE, TOMBALL INDEPENDENT SCHOOL DISTRICT, THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** and **HARRIS COUNTY** for Joint Elections to be held on November 4, 2003 and possible subsequent Joint Run-off

Elections; providing a maximum contract amount - \$2,750,000.00 - General Fund – was presented.

Council Member Parker stated that the item was the election contract for the next fall's election and there had been ongoing problems, particularly during early voting, with equipment not being functional, difficulties making electrical internet connections, that she wanted to be assured that there would be someone on the City's side that was riding herd on it and who they could be in contact with to make sure that those problems were addressed promptly, and Mayor Brown stated that was out of Mr. Hall's shop, and Mr. Hall stated they would have a contact team, but Council ought to be aware that it was actually authorize for them to enter into a contract and the actual administrators of the election process would be the County and that was what the contract was for, and Council Member Parker stated that she was aware of that, and Mr. Hall stated they would have their people, Mr. Cheatham and others, and they would be standing by, but what they had to do was call the County people when they had a problem, and Council Member Parker stated that there was also an increasing body of evidence that the issues that were raised when the County purchased its electronic voting system that it was not as tamper proof as was originally presented to the Council and she was hoping that they also monitor that situation and watch the evidence as it came in, and Mr. Hall stated that Mr. Cheatham was in the audience and was hearing all of it.

Council Member Alvarado stated that it seemed like in certain precincts and areas there were insufficient number of voting machines, and certainly in parts of the East end, her area, there was a lack of bilingual staff available and knew that the County was administering the election, however she thought they certainly, since they were part of the interlocal agreement, ought to have some say so to make sure that those things were ironed out prior to the opening of the election.

A vote was called on Item No. 13. All voting aye. Nays none. Council Members Galloway

and Keller absent on personal business. Council Member Robinson absent on city business.

ORDINANCE 2003-0749 ADOPTED.

19. ORDINANCE issuing permit to **BUCKEYE GULF COAST PIPE LINES, LP.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - ELLIS; G - KELLER and I - ALVARADO** – was presented, and tagged by Council Member Ellis.
20. ORDINANCE issuing permit to **DEAN PIPELINE COMPANY, LP.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN** – was presented, and tagged by Council Member Ellis.
21. ORDINANCE issuing permit to **SEAWAY CRUDE PIPELINE COMPANY**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN** – was presented, and tagged by Council Member Ellis.
22. ORDINANCE issuing permit to **SHELL PIPELINE COMPANY, LP.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented, and tagged by Council Member Ellis.

23. ORDINANCE issuing permit to **TEPPCO CRUDE PIPELINE, LP.**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; F - ELLIS; G - KELLER and H - VASQUEZ** – was presented, and tagged by Council Member Ellis.
24. ORDINANCE approving and authorizing amendment No. 1 to Airport Shoeshine Concession Agreement between the City of Houston and **ELSIE HEBERT AIRPORT SHOESHINE PARLORS** at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Ellis.
26. ORDINANCE amending Ordinance Number 2001-967 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **BAYLOR COLLEGE OF MEDICINE** for Professional Staffing Services - \$601,648.48 - General Fund – was presented. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. ORDINANCE 2003-0750 ADOPTED.
28. ORDINANCE amending Ordinance No. 2002-649 (passed by City Council on July 10, 2002) to increase the maximum contract amount and approving and authorizing first amendment to contract between the City and **CUSTOM LOGIC DESIGN, INC** for Emergency Alerting System for Houston Fire Department - \$140,000.00 - Equipment Acquisition Consolidated Fund – was presented, and tagged by Council Member Ellis. (Note: Council Member Ellis removed his tag later in the meeting.)
31. ORDINANCE appropriating \$20,177,336.00 out of Equipment Acquisition Consolidated Fund for purchase of FY2004 Equipment – was presented, and tagged by Council

Member Wiseman.

MATTERS HELD - NUMBERS 32 through 33

32. ORDINANCE appropriating \$156,728.00 out of Aviation Improvement Fund No. 561, and approving and authorizing compromise and settlement agreement, between **LEIGH FISHER & ASSOCIATES** and the City of Houston to settle a claim - **DISTRICT B – GALLOWAY** – **(This was Item 17 on Agenda of August 6, 2003, TAGGED BY COUNCIL MEMBER KELLER)** – was presented. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. ORDINANCE 2003-0751 ADOPTED.

33. RECOMMENDATION from Director Human Resources Department to amend the City of Houston Alcohol and Controlled Substances Policy (adopted by Motion #92-1971, 7/15/92), to allow for alcohol testing and to bring the City into compliance with current local, state and federal laws and to allow flexibility to future compliance with changes to those laws – (This was Item 22 on Agenda of August 6, 2003, POSTPONED BY MOTION #2003-967) – was presented.

Council Member Parker moved to refer Item No. 33 back to the administration, seconded by Council Member Vasquez. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. MOTION 2003-0996 ADOPTED.

34. MOTION by Council Member Tatro/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$453,457.11 and acceptance of work on contract with **FERGUSON CONTRACTORS, LTD.** for Construction of Street Overlays for Neighborhoods to Standard (NTS) Tier VII - Meyerland Subdivision, GFS 1037-14-3

(OL2014) - 08.27% under the original contract amount - **DISTRICT C - GOLDBERG** –
(This was Item 25 on Agenda of August 6, 2003, POSTPONED BY MOTION #2003-970) –
was presented.

Council Member Goldberg moved to refer Item No. 34 back to the administration, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. MOTION 2003-0997 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that they had what she hoped was a very productive meeting last night in the Fourth Ward area, that she wanted to thank the leadership and staff of Building Services and the Mayor's office and most importantly wanted to thank the community for sticking to the problem regarding the restoration of Gregory School, that she would ask very fervently from the Mayor and his office was that the community was still complaining that they were not getting notifications and so forth and to please involve the community as much as they could, that they had new committees starting and she was sure that Council Member Alvarado was going to be in the lead and front to make sure, but she was personally asking from her district's perspective if the Mayor's office would please make sure that the community was involved and kept involved and informed, that they spent two thirds of the meeting going over what they had gone over for the last three meetings, that she wanted to applaud Council Member Alvarado and her leadership on it, that it was a very sensitive and passionate issue but thought they were finally getting around the bend and were going to make some progress and wanted to thank them on that.

Council Member Edwards stated that she wanted to say "go Comets", that they were in first place, had held on and stayed in and were now in first place, that on Saturday they were

going to be playing Lisa Leslie and the Los Angeles folks, and they were going to beat them to, that she encouraged them to go, that they were going to be highlighting the City of Houston in some kind of way this week, that it was an awesome thing for the family and friends, especially the young people, to see the young ladies who hung in there and came back through some awesome adversity and were now back in first place where they should have been all the time, that she wanted to say congratulations to the team and the coaching staff and was really proud to be a Comets fan and a citizen of Houston, that they had a team in the Comets who had won four championships and were now in first place again and had struggled throughout all kinds of adversity and they get absolutely no play, that she loved the Texans and everything, but they had won nothing and they were all over the front of the page, that it was true that they generated more revenue, if they could just give them a little more press, and when they beat the Sparks not to put Lisa Leslie's picture, put a Comet's picture in the paper.

Council Member Ellis stated that Council Member Keller and his wife, Laura, gave birth to a 7 pound, 20 ounce, baby girl, whose name is London Sarah Keller, that the mother and baby were doing fine and wanted to offer his congratulations to both of them.

Council Member Vasquez stated that he would also like to extend congratulations to Bert and Laura Keller and also Sanders as well, that they wished Council Member Keller well and looked forward to his coming back.

Council Member Vasquez stated that he wanted to take the time to ask about a missing fire truck in his Council District, that they received a letter from Paula Parshall, who was the President of the Northside Northline Super Neighborhood and her concerns were that Fire Station No. 58, in her area, was closed for renovation, and while the residents were very happy about the actual renovations they were concerned about their safety, that they were told that the location of the two ambulances that were at their fire station, they were aware of that, but were not told of the location of the fire truck and the residents feared that the fire truck from Fire

Station No. 58 had been taken out of service, that the fire truck was ranked eleventh in total calls and the problem was that the closest fire station was now four miles away from the Northline area, which was about a 10 minute drive, that the residents would like a temporary facility to service the high volume of calls in that area and Station No. 58 had the third highest number of ambulatory calls in the past few years, that he would like to visit with somebody from the Fire Department so they could figure out what to do to make the residents feel more comfortable about their emergency services and their safety.

Council Member Vasquez stated that he wanted to thank everyone who helped them with the back to school fairs, that it was the fourth year in a row that they had done it, that this year they did it twice, at Northline Mall and Northwest Mall, that they immunized a little over 1,000 kids, with an average of about five shots per kid, so that was a lot of first time immunized kids, that they also passed out 400 back to school family packets for families that came and had their kids immunized as well, that he would like to thank the Houston Health Department and the management at Northwest and Northline Malls for helping make the two events a success, that he would also like to thank Channel 45 and all the other media outlets who helped them promote the event, that they had a tremendous turnout and looked forward to doing it again and doing his fair share to raise the immunization rate for the City.

Council Member Quan stated that this weekend two of their large Asian Communities, the Indian and Pakistani Communities were both celebrating independence at the Reliant Park and hoped that Members of Council would have an opportunity to go out and celebrate that occasion with those two communities.

Council Member Quan stated that he was also disturbed, that he received notice yesterday afternoon that the Best Mini Mart, which they had a young lady speak about yesterday, a lawsuit was filed by the City against them yesterday as well, that as they recalled they had a deadline of Friday to respond so he would really like to see what was going on that

they did not even give them the time to try to work things out ahead of time, and Mayor Brown stated that he did assign someone to work on that and would update Council Member Quan as to the progress that was being made.

Council Member Parker stated that there was an article in a recent Chronicle about trees on Richmond Avenue, between Montrose and Shepard and they had been encouraging the planting of trees around the City for quite some time and had recently passed a new and stronger Tree and Shrub Ordinance to protect, particularly, their street trees, and it was one of those really dumb situations where it was nobody's responsibility but it was everybody's responsibility, that apparently the trees were planted some years back and had grates around the base of the trees and now the trees were growing into the grates and the City spokesperson stated that it was Trees for Houston's responsibility to remove the grates and Trees for Houston stated that they were not their trees anymore, that she had called the City's Forester, who was supposed to be the person in charge, after reading the quotes from the spokesperson for the Parks Department and the City Forester stated that nobody called him to even ask him about the situation, that they were street trees and had been in place for probably 15 years and were the City's trees and they needed to send the City Forester out there and authorize him to spend the money to take care of the trees on Richmond and she would respectfully request that they move on that, and Mayor Brown stated that they would.

Council Member Alvarado stated that she too wanted to join Council Member Edwards in thanking the Mayor's office and Building Services for facilitating the meeting last night and wanted to thank Council Member Edwards for her partnership with their office in trying to deal with the issues regarding Gregory School and also trying to preserve the history of that particular community.

Council Member Alvarado stated that there was an article day before yesterday in the Los Angeles Times questioning whether or not Houston was ready for the Super Bowl and read a

couple of sentences that stated “An estimated 130,000 visitors would flock here for the February 1 Super Bowl which is just the kind of shindig Houston needs to get past its embarrassing corporate energy scandals and get on with the lucrative business of being a gracious host, but the southern hospitality has run smack into the grim reality’s of municipal mayhem, sections of the City’s downtown looked like they have been burrowed by the gophers in Caddyshack, with more than half the streets torn up for repairs”, that she thought Los Angeles was just jealous that Houston got a football team and they did not and wanted to make sure that they let not only Los Angeles but every other City and individual that was coming to Houston, that Houston would be ready for the Super Bowl and what they saw was just progress and there was no doubt that their streets, rail and everything would be ready for the 130,000 plus visitors that would come to Houston.

Council Member Berry stated that he wanted to ask again if they could get a brief of their status of the Super Bowl and their preparations at the earliest convenience.

Council Member Ellis stated that he wanted to withdraw his tag on Item No. 28.

28. ORDINANCE amending Ordinance No. 2002-649 (passed by City Council on July 10, 2002) to increase the maximum contract amount and approving and authorizing first amendment to contract between the City and **CUSTOM LOGIC DESIGN, INC** for Emergency Alerting System for Houston Fire Department - \$140,000.00 - Equipment Acquisition Consolidated Fund – was again before Council. All voting aye. Nays none. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business. ORDINANCE 2003-0752 ADOPTED.

Council Member Ellis stated that last week Harris County passed a resolution to not do business with individuals, companies, corporations or any legal entities that owed taxes to either the County and/or the City, that it started from their Debtor Ordinance that originated with the

present Council, their Debtor Ordinance stated that they would reciprocate with the County if the County would reciprocate with them, that he was hoping that the Legal Department would come and talk to him about what necessary steps they needed to take at this time and believed in the ordinance there were two other government entities that they would offer the reciprocity to and that was HISD and Harris County, that Harris County was moving forward with the Debtor's Resolution that started with the present Council and thought it was something that they could all be proud of, but just wanted to make sure that when corporations and individuals came to the City to do business that they were not only looking at whether or not they were indebted to the City but also whether they were indebted to the County, and Mayor Brown stated that they were working with the County on that already, and Council Member Parker stated that she amended the motion to open it to other entities beyond HISD, so it was available to other taxing entities, the other school districts in the City of Houston, and Council Member Ellis would request that Mr. Cheatham come and visit with him.

Council Member Goldberg stated that he wanted to follow up on something Council Member Quan talked about, that yesterday at the public session they had a business owner, a Vietnamese lady come and talk about being forced to shut down her store by the City and sometimes he thought their Legal Department, except for Mr. Paul Bibler, just did not listen to the Council Members, that they came to public session and the Council Members voiced their opinion that a lawsuit should not be filed, but they filed a lawsuit any way, that he was requesting a meeting with the attorney who did that, Ms. Savita Rai, and would like to find out why they were filing lawsuits on places that they should not be and were not filing lawsuits in areas in his district that they had begged them to and they just refused, that he wanted to set up a meeting in his office to talk to them about that.

Council Member Goldberg stated that he wanted to commend F&A, specifically Ms. Susan Bandy, that yesterday at a committee meeting regarding the vehicle allowance allocation he had asked for a list of all of the low usage vehicles and at the Council table he had gotten it, that it

surprised him because it was a thick list and they were all lists from every department of low usage vehicles and was wondering if the administration could come up with some sort of policy of what they would do, that it was thousands of vehicles that annually had less than 8,500 miles put on the odometer.

Council Member Goldberg stated that he would like to promote something that the City of Houston was doing at the airport, that it was Runway Race for Life, that the City of Houston was doing a 5K run on September 20, 2003 at 7:30 a.m., that what made it unique was that they were just finishing up the construction of a brand new runway and before they opened it up they were going to hold the 5K run on it, that it was a once in a lifetime opportunity, that he encouraged everyone to take advantage of it and run on the runway.

Council Member Goldberg stated that he got a letter which was copied to him and was originally address to Council Member Vasquez, the Mayor and City Council, and read parts of the letter which stated that Houston deserved better than to have children on the streets begging, that they had groups and individuals exploiting their children with buckets of promises of trips, gifts, ect., if they wanted to attract world class events they should consider what it was like for visitors when it happened, that the children were out there in the hot sun, not properly dressed, running between traffic and being a menace to drivers, that not only that they were grooming a generation of children who believed that begging was a way to get what they needed, that it was signed by Ms. Brenda Lynch, a doctoral student in Counselor Education at Texas Southern University, that he was wondering if they could get some feedback from the administration about their policy, and Mayor Brown stated that they would address it.

Council Member Alvarado stated that their office got complaints also, that it was a safety issue and thought they needed to develop an ordinance that would do away with that completely, that some of the efforts were fictitious, there were some that posed as raising money for a trip and were seen later dividing up the money and using it for other things, that she

hoped they could get some regulation on that to, and Mayor Brown stated that was currently illegal and would have the Police Department start enforcing it and that was the way to address that.

Council Member Wiseman stated that she tagged the item that Council Member Goldberg referred to, the equipment acquisition item because she had a couple of additional questions that she needed to have addressed, that she wanted to thank Ms. Bandy for all of the work they had done in addressing the fleet situation and bringing it down, but the amount that they were being asked to approve for appropriations was the same amount that they were asked last year, so she would like that discrepancy clarified and would like to visit with them on that.

Council Member Wiseman stated that she wanted to extend her thanks to Mr. Bob Litke, Mr. Gary Bridges and Mr. Tony Balay for their tremendous work of a fast turnaround with respect to a permitting situation for a church that without their assistance would not have been able to open their doors last week, that Faith Family Baptist Church in Kingwood, because of their assistance, was able to begin their services Wednesday evening and she had the opportunity to be there with them.

Council Member Wiseman stated that the Citizens Quality Control effort that she had been working on had some information to share, that a constituent from the Kingwood area wanted to share the news of the Public Works Department assisting them with a situation where Public Works employees backed their truck into a mailbox and knocked it over and then drove off, that another resident did witness the situation and the City Legal Department assisted with a claim that was filed, that the claim was originally denied and then Public Works took a second look at it, found the City employees that were involved in that and the claim would be paid.

Council Member Wiseman stated that she heard from another constituent about City employees who were leaving their City vehicles running while they were doing work out on the

streets, that they had witnessed it time and again, that she wanted to extend to the public again the request for photos if they saw situation such as the above mentioned to feel free to send in their photos.

Council Member Wiseman stated that she wanted to invite everyone out to a benefit barbecue, that on Friday evening the Friends of Katie Barbecue was being sponsored by Humble Noon Lions, Humble Lions Club, Huffman Lions, Aldine Lions, Humble Rotary and Kingwood Ki0.

wanis Clubs, that Katie was in need of assistance, suffering from Cerebal Palsy and Scoliosis, that her family had incurred tremendous financial debt and they were having the barbecue benefit at the Humble Senior Center, Friday from 7:00 p.m. to 10:00 p.m., that the band that would be performing the entertainment for the evening included her husband, that his Country and Western Band called Eight Seconds would be performing and she invited them to come out.

Council Member Quan stated that he had been informed by the Legal Department that the lawsuit had not been filed at this time, but still they were going to follow up and looked forward to working on it.

There being no further business before Council, the City Council adjourned at 9:52 a.m. upon MOTION by Council Member Quan, seconded by Council Member Sekula-Gibbs. Council Members Galloway and Keller absent on personal business. Council Member Robinson absent on city business.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary