

City Council Chamber, City Hall, Friday, January 6, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 6, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and 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.

At 1:58 p.m. Mayor White stated that Council would begin with presentations and called on Council Members Alvarado and Galloway. Council Member Alvarado stated that it was with great pride she brought up two wonderful ladies, trailblazers in the Hispanic community, and invited Ms. Olga Gallegos and Ms. Esther Campos to the podium. Council Member Alvarado stated that they were both friends of Council Member Galloway and herself. Council Member Galloway stated that Ms. Gallegos was the third Hispanic to hold office on the HISD Board of Trustees and presented her a Proclamation proclaiming January 6, 2004, as "Olga Gallegos Day" in Houston, Texas. Council Member Alvarado stated that Ms. Campos was elected to the board in 1994 and presented her a Proclamation proclaiming January 6, 2004, as "Esther Campos Day" in Houston, Texas. Council Members Goldberg, Ellis and Berry absent.

At 2:08 p.m. Mayor White called the meeting to order and Council Member Green led all in the prayer and pledge of allegiance. Council Members Ellis and Berry absent.

At 2:09 p.m. the City Secretary called the roll. Council Members Ellis and Berry absent.

Council Members Galloway and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Ellis and Berry absent. MOTION ADOPTED.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Mr. Brian Cwern after Ms. Diane Bossom, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Ellis and Berry absent. MOTION 2004-0005 ADOPTED.

Mr. Rick McCord, 1021 Main Street, Suite 1400, Houston, Texas 77002 (713-860-3000) appeared, presented information to Council Members and spoke against Agenda Item 40, stating that he was owner of McCord Development, Inc. and he and his brothers owned a tract of land in Downtown and it was a block from the proposed site for the new super station for the Fire Department and across the street from the existing temporary fire station; that their block was one of the finalist considered, but from what was shown to him the City had authorized an expenditure of \$5,670,000.00 to purchase the proposed site and remediate it, apparently the owners of the proposed site rejected the City's offer and now they are forced to go through the time and expense of condemnation with no certainty of the outcome except it would cost more than the \$5,670,000.00 and they offered to sell their site for \$4,970,000.00 with at least a savings of \$700,000.00 and to their knowledge their block had no known environmental or remediation issues required on the property; that there was a federal study done years ago on their block and to their knowledge they had no recollection of any environmental issues; that they also met size requirements, location requirements, access requirements and cost requirements for the new super station and with the City trying to save money it seemed a smart approach to purchase their block. Council Member Berry absent.

Council Member Quan stated that Council Member Tatro had mentioned his block previously; and upon questions, Mr. McCord stated that months ago he read an article about the proposed station and purchase price and was surprised they had not been re-contacted since their block was less and he contacted the City Partnership and they advised him to call Council Member Tatro, he did not know him; that to the best of his knowledge the federal government

did an environmental assessment on his property and he remembered no environmental issues; that he would allow another inspection if they were interested. Council Member Berry absent.

Upon questions by Council Member Alvarado, Mr. McCord stated that he did not think there were any environmental issues. Council Member Berry absent.

Council Member Alvarado moved that the rules be suspended for the purpose of hearing from Acting Fire Chief Trevino, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0006 ADOPTED.

Upon questions by Council Member Alvarado, Chief Trevino stated that to be absolutely sure there was no contamination they would have to do an environmental study at a cost of about \$14,000.00 and they already spent that money prior with the other side they picked and they would also have to do an appraisal of the property; that Building Services had two reports which said there was a high probability the area was contaminated. Council Member Berry absent.

Upon questions by Council Member Holm, Chief Trevino stated that appraisals were handled by the Real Estate Department so he could not speak on that; that he picked from 29 properties narrowing them to seven sites by certain criteria, then three and finally the one; that operationally the problem with Mr. McCord's site was traffic congestion and the property picked places him closer to the Downtown business district. Council Member Berry absent.

Council Member Alvarado moved that the rules be suspended for the purpose of continuing time for questioning Acting Fire Chief Trevino, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0007 ADOPTED.

Council Member Goldberg stated that he was concerned with the contamination issue; that he was saying it was at least \$700,000.00 to remediate the contamination and it would probably be twice as much; and upon questions, Chief Trevino stated that he could not guarantee the cost would stay at \$700,000.00. Council Member Goldberg stated that he had fire stations in his area on busy roads and they used traffic light changers and he believed all traffic lights in the Downtown area had such sensors; and upon questions, Chief Trevino stated that they did use that at some fire stations, but the area was highly congested with traffic. Council Member Goldberg stated that he did not see congestion as an issue. Council Member Berry absent.

Council Member Khan stated that it seemed the Chief had not really done a comparative study because issues being brought up were seemingly what anyone would bring up without doing an in-depth study and \$14,000.00 seemed very little when considering a \$700,000.00 savings and he would think a study did need to be done before accepting or rejecting. Council Members Ellis and Berry absent.

Upon questions by Council Member Garcia, Chief Trevino stated that he was saying a cost of \$14,000.00 because the last study on the property they were now trying to purchase was \$14,000.00 and he would imagine it would be around the same; that he had worked on the project 21 months and they also needed to consider they had a temporary fire station they were leasing and in 2004 the lease would go up by \$2,000.00 and in 2005 it would go up another \$4,000.00 so the longer they put it off the longer they would be paying for a temporary and they needed to move forward and get their station. Council Members Ellis and Berry absent.

Council Member Green moved that the rules be suspended for the purpose of continuing time for questioning Acting Fire Chief Trevino, seconded by Council Member Quan. All voting aye. Nays none. Council Members Ellis and Berry absent. MOTION 2004-0008 ADOPTED.

Upon questions by Council Member Edwards, Chief Trevino stated that to get the site

already identified it helped move the process; that 21 months was a long time to identify a site; that so far they spent over \$15,000.00 on the site looked at and to look at Mr. McCord's site they would have to do another environmental study, cost and appraisal and additional cost at the temporary station; that any money saved would have already been spent anyway. Council Member Ellis absent.

Council Member Alvarado stated that this had been a very lengthily process and she believed they had gone through this very thoroughly and as Downtown continued to be populated they were anxiously awaiting for it to be built; that they could not go through this every time someone was upset they were not chosen. Council Member Ellis absent.

Council Member Holm stated that she appreciated all the time spent, but it was important, especially as a new Council Member, so they could make good decisions; and upon questions, Chief Trevino stated that as for time spent on remediation for cleanup he was told probably 10 months and for the condemnation he did not know how long that would take and it would need a legal interpretation. Council Members Alvarado and Ellis absent.

Council Member Quan stated that he was told it would take about two weeks to do the study; that at the last Council Meeting Chief Trevino presented a chart prepared by Cushman Whitfield and the estimated cost for the proposed site was \$70,000.00 to \$75,000.00 and when asked how much he had said \$80,000.00 or more; that Mr. McCord was making a solid offer of \$75.00 a square foot and he did not want the process delayed either, but it seemed all options should be checked thoroughly before moving on and he hoped the Administration would follow-through and do a thorough review because 300 feet from one location to the other with a savings of \$700,000.00 minimum and they were only speculating of problems on the new site. Council Members Goldberg, Wiseman, Alvarado and Ellis absent.

Mayor White stated that the Chair would entertain a motion to refer back to the administration tomorrow and he understood this could be frustrating, especially with a change in Administration, but everyone did understand they had a judiciary responsibility to make sure every penny of the taxpayers dollars were spent wisely and if someone came up with a good enough offer even one second before they were to spend city money then they were not going to be bureaucratic and would act expeditiously if a motion was made and passed to do whatever consideration was needed. Council Members Goldberg and Ellis absent.

Council Member Berry stated that was in the long line of wise things Mayor White had done already and it would be nice if the White Administration put its stamp on what site it was and he commended him for doing it right. Council Member Goldberg absent.

Council Member Galloway stated that possibly Mr. McCord could get an assessment done since he was interested in wanting to sell his property; and Mr. McCord stated that was something he could entertain. Council Members Goldberg and Garcia absent.

Mr. Barry Maddox, 2200 Patterson, Houston, Texas 77003 (713-582-0713) appeared and stated that he was a traffic signal supervisor with the City of Houston and was present as their manager had been wrongly demoted; that he had only been on the job eight months and gone forward with many good things; that he was focused and trying to improve things even with his hands being tied with finances and labor; that he was being used as a scapegoat on a problem he did not create. Council Members Goldberg, Wiseman and Garcia absent.

Upon questions by Council Member Quan, Mr. Maddox stated that he was speaking of Mr. Ken Shockly, manager of Traffic Signals, that they had problems with materials, no proper books, etc., that the low bid bulbs would blow out as soon as they drove off and they were shorthanded also; that the past Mayor he felt was the biggest problem as their budget was cut to nothing and personnel was almost zero; that the list went on and on. Council Member Quan stated that he would like to see a list if he would prepare one and he would share it with the

other Council Members. Council Members Goldberg, Wiseman, Garcia and Berry absent.

Mayor White thanked Mr. Maddox for coming and stated that he had already made appropriate inquiries. Council Members Goldberg, Wiseman and Garcia absent.

Mr. Joel Taylor, 2200 Patterson, Houston, Texas 77002 (713-803-3020) appeared and stated that he was a traffic signal supervisor at Patterson Street and took care of all traffic signals in Clear Lake, Kingwood, etc., and came with some facts; that the Public Works manager they had now was the best they had in the 15 years he had been there; that many had come to their department and were paid good money to fix it, but still nothing was fixed; that they had 3,377 intersections with 18 men to man them, but now since there was a new Mayor everyone got scared and wanted to start firing people; that the department would give him a book to go out and it did not even match the intersection and yet they were paying for outside people to do it, now they were going to demote the only guy who tried to set things right since he had been there; that he was a 23 year veteran of the department and worked with the men, he started on the street and when something happened he did not have to get on the phone, he knew what was needed to get something fixed; that he would take the Mayor and any Council Member and show what they did; that they were behind because there were not enough men. Council Members Goldberg, Wiseman, Holm, Garcia and Berry absent.

Upon questions by Council Member Ellis, Mr. Taylor stated that he had come before Council in the previous Administration and spoke with several Council Members about the situation. Council Member Ellis stated that if a project was outsourced and it was not done correctly he wanted it brought to his and Council Members attention; and Mr. Taylor stated that 50% of the books were missing and they sent memos to the Engineering Department all the time, but it would be overstepping his bounds to go over his department. Council Members Goldberg and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of continuing time for questioning of Mr. Taylor, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Berry absent. MOTION 2004-0009 ADOPTED.

Council Member Wiseman stated that she appreciated Mr. Taylor coming and sharing the information and thought it exemplified a newfound courage City employees had to step forward and share problems; that she was encouraged as it showed her they took Mayor White's pledge seriously and knew he was a man of his word; and she would like to visit with a representative from Public Works and from Parsons and would like the assistance of the Mayor's Office in setting that up. Council Members Goldberg and Berry absent.

Council Member Edwards thanked Mr. Taylor for coming before Council and stated that it was the workers in the field that really knew the true issues, many times the higher ups would just sweep it under the rug; that there was a budget crunch and she did want to commend him and his crew on their hard work. Council Members Goldberg and Berry absent.

Council Member Edwards stated that she was disappointed no one remembered him coming before; that she had met with them twice and she appreciated him standing on point and he still had her support on the issue. Council Members Goldberg and Berry absent.

Council Member Khan stated that he applauded him for coming before Council; and upon questions Mr. Taylor stated that all departments had quality management programs; that it was still not too late to do something about this, but it did not do any good to come if there was no follow-up; that he came last year talking about problems, it was not too late to do something about this and keep the Public Works manager until they found out the problem; that all the guys were upset he was leaving as he was the only manager who fought to get them what they needed any way he could. Council Members Goldberg, Edwards, Quan and Berry absent.

Council Member Ellis moved that the rules be suspended for the purpose of continuing time for questioning of Mr. Taylor, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Goldberg, Edwards, Quan and Berry absent. MOTION 2004-0010 ADOPTED.

Council Member Khan stated that when Mayor White spoke to the department he would like him to emphasize the need for a quality management program. Council Members Goldberg, Edwards, Quan and Berry absent.

Council Member Lawrence stated that it would take people like Mr. Taylor to change the City and requested he come back sooner than 2005 and let them know if they were making progress; that this was a new Council and they wanted to hear from him. Council Members Goldberg, Edwards, Quan and Berry absent.

Council Member Garcia thanked Mr. Taylor for coming and stated that as Mayor White worked on the traffic signals and timing, in his district there were several assisted living centers and they needed more time to cross streets and he would like that kept in mind. Council Members Goldberg, Edwards, Quan and Berry absent.

Council Member Wiseman stated that she would like to see if they could put together a Whistle Blower Ordinance, if City employees were to be coming forward and assisting Council in making things better they needed a level of protection. Council Members Goldberg, Edwards, Quan and Berry absent.

Mayor White stated thanked Mr. Taylor for his time and stated that he understood what was being said regarding 18 people and 3,300 intersections; tht they paid a lot for street infrastructure and if a signal went wrong bad things could happen and you needed enough resources; next there was context, he did not know the facts in the series of actions taken after a citizen was killed Downtown and did not want to misspeak on a personnel issue, but he did want to show some difference toward a director when decisions were made as a consequence as to something that should not occur; on the resource issue he and the citizens got it that signalization issues were serious and it was commonsense that it was not just moving traffic but was also safety; and finally in response to Council Member Wiseman that there be some organized fashion to bringing Council up to speed collectively concerning signalization and the issue brought up by Council Member Edwards he wanted to speak plain about the number of hourly workers verses salary people they were big issues and involved civil service and personal procedures and policies and changes they may need to make and this could possibly be used as a case study; that if they would be patient with him he would suggest looking at it as a broader scope; and the point was well taken on a whistle blower ordinance and if particular Council Members would be interested in taking a lead on it the Chair would be receptive. Council Members Goldberg, Quan and Berry absent.

Ms. Diane Bossom, 950 Beachcomber, Houston, Texas 77062 (281-280-0534) appeared and stated that she was present with a group all on the same subject and would ask that they be allowed to appear and speak together with Mr. Cwern speaking first. Council Members Goldberg, Quan and Berry absent.

Mayor White stated that the Chair could grant that permission, but would ask that they abide by the time limits. . Council Members Goldberg, Quan and Berry absent.

Mr. Brian Cwern, P. O. Box 20207, Houston, Texas 77225 (713-667-3330) appeared and stated that he was an attorney in Houston and a former panel chairman of the Houston Police Department's Citizen Review Committee and was present addressing Council on behalf of the Houston Coalition for Police Accountability which was a coalition of over 40 organizations and community activist and today was asking that Mayor White meet with a delegation of their group and allow them to share their experiences and recommendations of the appropriate

qualifications of the person who would serve as the next Police Chief. Council Members Quan and Berry absent.

Ms. Diane Bossom, 950 Beachcomber, Houston, Texas 77062 (281-280-0534) appeared and stated that she was present as a member of the Houston Coalition for Police Accountability and their concern was accountability and civilian oversight of law enforcement and they existed as a result of the unwarranted force and unaccountability of HPD and other local law enforcement agencies and they were extremely concerned with the appointment of a new Chief; that they would like to offer solutions and recommendations and find out what Mayor White's process would be in selecting a new Chief as their lives depended on it. Council Members Quan and Berry absent.

Ms. Arlene Kelly, 2715 Lazy Spring Drive, Houston, Texas 77080 (713-462-3808) appeared and stated that she was mother to a victim; that overeager police shot and killed her daughter and she walked down the street to the doctor's office; that after she was killed she asked Chief Bradford how it happened when she and the officer were face to face at the time she was killed and she was ignored; that she then came to Council and some Council Members were interested, but not enough to take any action; that Mayor Brown also said he would assist but did nothing when the media was not looking; that it was over four years now and in that period at least 30 people were shot and killed by police officers and she was begging to get the problem resolved and get the abusive force out of the department. Council Members Ellis, Quan and Berry absent.

Council Member Garcia moved that the rules be suspended and add Mr. Herbert Rothchild to the Speakers List, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Ellis, Quan and Berry absent. MOTION 2004-0011 ADOPTED.

Mr. Herbert Rothchild appeared and stated that he was with the Houston Peace and Justice Center and after Pedro Oregon was murdered they asked the Mayor and Council to setup an independent Civilian Complaint Review Board and they received two responses, Council Member Parker stated that she had been a member of the first Review Board setup internally in the Police Department and was disappointed and her expectations dashed; that it was not a proper vehicle for police accountability to citizens of the city and Mayor Brown said it was not necessary; that he lived in Louisiana where they met with the Police Chief and the use of deadly force was changed; that if there was a will to stop it then it could be done, but it had to start at the top and they were asking for consideration to have the new Chief make public trust the first criteria and then would ask for a Civilian Review Board. Council Members Ellis, Quan and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending the time and allowing Ms. Head to speak for one minute, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Ellis, Quan and Berry absent. MOTION 2004-0012 ADOPTED.

Ms. Marilyn Head, 7820 Van Ness, Houston, Texas 77037 (281-405-8998) appeared, congratulated the Mayor and Council Members on their new positions and stated that she was a member of Corporate Justice and a representative to the Houston Coalition for Police Accountability and they collectively believed civilians had a civil right and civil duty to actively participate, especially when a Police Chief was to be selected and they were asking Mayor White to ask them to serve. Council Members Ellis, Quan and Berry absent.

Council Member Goldberg stated that Mr. Cwern was a very dedicated person who had been on the Civilian Review Committee and he thought Mayor White should heed his and the others message and speak to them before selecting a Police Chief. Council Members Ellis, Quan and Berry absent.

Council Member Edwards stated that she wanted to commend those present representing the new coalition of which she was also a member; that this was not an antipolice group, but instead a pro-community group and they were for better policing and accountability; that they had been looking at pragmatic models in other cities and it was not perfect but it did give a vehicle to work with. Council Members Quan and Berry absent.

Council Member Garcia stated that he would reiterate Council Member Goldberg's comments; that he knew Mayor White was going through a lot of effort going through the rank and file but did not think it would not hurt if he spent a few moments with them as well. Council Members Quan and Berry absent.

Council Member Khan stated that he did not know how many were aware of the lack of interaction the Police Department had with the immigrant community; that most of the time crimes were not reported because of tremendous fear, they either did not trust them or did fear them; that liaisons had been appointed for different communities and he thought that would continue. Council Members Quan, Green and Berry absent.

Mayor White stated that he did want to thank the citizens for expressing their concerns and they did raise several issues or questions he had comments to, first the request for public confidence and trust and justice be the principal criteria and it would be one of two principal criteria with the other being public safety and management and moral of the force; second, they requested meeting and input and he would ask his staff to make sure they had time to get that, but so there was no misunderstandings he did remember all that was said today and would ask that it not be repeated and if there was something specific it would be more meaningful though his heart went out to those who were affected by cases of injustice or what was perceived to be injustice; regarding the review processes any information concerning not only the process but the personnel the citizens involved on the panel currently constituted would be appreciated and would appreciate it in writing. Council Members Green and Berry absent.

Mr. Ovide Duncantell, 8002 Crestwick, Houston, Texas 77083 (281-561-6606) appeared, presented information for the City Secretary to be available to Council Members and stated that they had just protested to the Super Bowl Host Committee and the community was tired of the committee stymieing efforts which had long been going on in this city; that ten years before the Martin Luther King holiday came about they had a MLK Program, but now the Super bowl group took up all the venues they used over the weekend and they were going to understand before the Super Bowl left this city they jumped the wrong group; and he also could not understand why the other organization had free police protection when they had their parade and they were not a 501C3 and he could not understand why they were getting something free with the tightness of the budget and they should pay just like anyone else having a Downtown parade; that they were also not recognized by Dr. Martin Luther King's family and were asked not to use their name or image. Council Members Goldberg and Berry absent.

Upon questions by Council Member Edwards, Mr. Duncantell stated that it was long and stretched out, but they were told they could use the George R. Brown venue now but it was too late as all their sponsors had now gone somewhere else, so they wanted sponsors found for them. Council Members Goldberg and Ellis absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending the time for Mr. Duncantell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Ellis absent. MOTION 2004-0013 ADOPTED.

Mr. Duncantell stated that he would like Council Members to use their influence and call the host committee and ask that they cooperate with them. Council Members Goldberg and Ellis absent.

Mayor White stated that there was about 30 seconds left for the final speaker; and

Ms. Sandra Massey Hines appeared and stated that they would like this looked into and for it to be fair. Mayor White stated that he did appreciate them coming before Council today and he was asking Mr. Fiederlein with Public Works to make a brief report and to make sure he and Council had a copy of what was presented so it could be reviewed. Council Members Goldberg and Ellis absent.

Ms. Tammy Woods, 1015 Westmount, Houston, Texas 77015 (713-455-0580) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Wiseman and Ellis absent.

Ms. Darla Lynn Hoggard, 2305 Meadow Green, Houston, Texas 77581 (281-485-9661) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Edwards, Wiseman and Ellis absent.

Mr. Jerry L. Asher, 2401 Lazy Hollow #113A, Houston, Texas 77063 (713-702-5407) appeared and stated that he was a 20 year user of the METRO system and was present on behalf of several hundred taxpayers who depended on METRO; that they were the oldest, poorest and least influential citizens and Mayor White had authority to appoint a new METRO board of directors to fulfill all promises made to the citizens when they voted to create METRO years ago and asked that he use that authority. Council Members Galloway, Goldberg and Ellis absent.

Mayor White stated that Mr. Asher was certainly clear on his views and appreciated his appearing before Council today. Council Members Galloway, Goldberg and Ellis absent.

Council Member Quan moved that the rules be suspended for the purpose of hearing Mr. Bazan after Ms. Hayes and adding Ms. Mary Lawler to the Speakers List, seconded by Council Member Wiseman. All voting aye. Nays none. Council Members Galloway, Goldberg and Ellis absent. MOTION 2004-0014 ADOPTED.

Ms. Konnie Kelly, 422 Lockfield #909, Houston, Texas 77092 (713-864-9052) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg and Ellis absent.

Ms. Herma Barnes, 2718 Garden Falls Drive, Houston, Texas 77578 (281-489-9436) appeared and stated that she was president of the Huntington Neighborhood Council Civic Club for 45 years; that she wanted to thank Mayor White for being so wonderful and to bring to his attention the Hardy Toll Road; that they bought her home and rental property for the road and she only had a period of time to find a new place to live and she moved in September; that it took \$12,000 of her money plus what Harris County gave her to move in and after three months she was going through a real hard time as she could not afford it and they knew when placing her in it she could not afford it; that she knew there was hope and thanked them for whatever they could do. Council Members Galloway, Goldberg and Wiseman absent.

Mayor White stated that Ms. Barnes must have set some record with her civic club and thanked her for coming; and upon questions, Ms. Barnes stated that Harris County approved the house knowing she could not afford it and she would appreciate anything they could do. Council Members Galloway, Goldberg and Wiseman absent.

Ms. Emily Hayes, 201 South Heights Blvd. #1818, Houston, Texas 77007 (713-863-8012) appeared and stated that she was a limousine driver and present as nine months ago the Transportation Department passed an ordinance allowing the taxicab administration to operate 1998 towncars until March 2004 although the 1998 towncars had to come off line by the 31st of December and that was biased, all taxicab and limo drivers did the same type work and felt the limo drivers were ambassadors for Houston and she was appealing to Council to right that wrong. Council Members Galloway, Goldberg, Wiseman and Holm absent.

Upon questions by Council Member Green, Ms. Hayes stated that the 1998 Lincoln Towncar taxi drivers had until March 2004, but the 1998 Towncar drivers were already off the line and it was a miscarriage of justice. Council Members Galloway, Goldberg, Wiseman and Sekula-Gibbs absent.

Upon questions by Council Member Garcia, Ms. Hayes stated that an ordinance was passed recently taking 1998 towncars that limo drivers had off the line and the limo association was doing nothing and that needed to be addressed also; that her company had seven sedans and a stretch 15-passenger van. Council Members Galloway, Goldberg, Wiseman and Sekula-Gibbs absent.

Council Member Garcia stated that he would request research on the particular ordinance; and Mayor White stated that he appreciated Ms. Hayes sharing her views and Mr. Blanton Daniels was present and could speak with Ms. Hayes and he would also ask that he get the information Council Member Garcia requested to him. Council Members Galloway, Goldberg, Wiseman and Sekula-Gibbs absent.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) appeared and stated that he was present regarding Agenda Item 18, appropriating an extra \$56,000.00 out of the Tax Increment Reinvestment Zone to a community development corporation that in his mind was flushed with cash; that it may be unnecessary to give them money to accomplish something they should have already budgeted for; that he was opposed to waste and felt the City had spent too much housing money in an inappropriate manner; that he was not opposed to spending money on lead based paint abatement, but did not know why the taxpayer should pay when it was an entity getting into the investment. Council Members Galloway, Goldberg, Wiseman, Alvarado and Sekula-Gibbs absent.

Ms. Mary Lawler, had previously been added to the speakers list, appeared and stated that she was executive director of Avenue Community Development Corporation; that they developed affordable housing and economic opportunities in neighborhoods north and northwest of Downtown Houston and Agenda Item 18 would add funds to an existing contract allowing them to meet a higher level of lead paint abatement; and urged Council's support. Council Members Galloway, Goldberg, Wiseman and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Ms. Lawler stated that the Housing Department requested an increase in the level of abatement; that they had anticipated interim controls which required monitoring and maintenance, but the higher level of permanent control it would insure the housing remaining safe in the future; that CDC did not benefit from the money and it would not add to the residential cost. Council Members Galloway, Goldberg, Wiseman and Sekula-Gibbs absent.

Council Member Garcia stated that he understood the issue of abatement because the homes being worked on had much lead contamination and he appreciated the fact they would be safer. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Council Member Edwards stated that she was confused because Mr. Bazan was usually for lead abatement; and upon questions, Ms. Lawler stated that First Ward was one of the oldest neighborhoods and any houses before 1976 could have lead paint; that her understanding was the paint could cause long-term affects. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mayor White stated that Ms. Lawler's presentation was very clear and thanked her for coming. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not

present when his name was called. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 appeared and stated that almost was not good enough and continued expressing his personal opinions until his time expired. Council Members Galloway, Garcia, Quan and Sekula-Gibbs absent.

Mr. Michael Berger, 6530 Westview, Houston, Texas 77055 (713-686-7034) appeared and stated that he previously worked in the Parks Department and resigned, but now would like back on the payroll picking up abandoned signs for the City as an inspector trainee for the Sign Administration Division; that he did it voluntarily for about five years in District A and when the position came back up he hoped to have their support. Council Members Galloway, Garcia, Quan and Sekula-Gibbs absent.

Council Member Lawrence thanked Mr. Berger for all the volunteer work he did in District A, he was well appreciated. Council Members Galloway, Garcia and Sekula-Gibbs absent.

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared, wished all a happy new year and stated that he was present to see if anything would change, but he was disappointed; that the Agenda showed roll call at 1:30 p.m. and 2:00 p.m. for public speakers, but the meeting started at 2:00 p.m. and speakers could not begin until 2:15 p.m. and that was disrespectful; that if the Mayor and Council Member's could not show up for the meetings and on time they should not be there. Council Members Galloway and Sekula-Gibbs absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared stated that he was the only official US presidential candidate for reelection and continued expressing his personal opinions until his time expired. Council Members Galloway and Sekula-Gibbs absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that all Council Members were fired and continued expressing his personal opinions until his time expired. Council Members Galloway and Sekula-Gibbs absent.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-428-2924) appeared and stated that he noticed on several occasions in the Harris County Commissioners Court there were Fire Code violations where there were too many people present. Council Members Galloway and Sekula-Gibbs absent.

At 3:54 p.m. upon motion by Council Member Wiseman, seconded by Council Member Garcia City Council recessed until 9:00 a.m., Wednesday, January 7, 2004. Council Members Galloway and Sekula-Gibbs absent.

City Council Chamber, City Hall, Wednesday, January 7, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 7, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Kahn, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Sarah Culbreth, Acting Chief Administrative Officer, Mayor's Office; Mr. Anthony Hall, City Attorney and Ms. Marty Stein, Agenda Director, present.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:05 Mayor White reconvened the meeting of the City Council and stated that the first order of business was the report by the City Controller and Director of Finance & Administration.

Council Members Lawrence, Goldberg, Edwards, Wiseman, Ellis and Berry absent.

MAYOR'S REPORT

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION

REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Ms. Anise Parker, City Controller, stated that she was happy to deliver the Monthly Financial and Operations Report for November 30, 2003, that before she started she wanted to acknowledge the efforts of her predecessor in the Controller's Office, Ms. Judy Gray Johnson, who served ably and well and actually was responsible for the preparation of the report that she was going to present today and was very thankful that Ms. Johnson had stayed with the Controller's Office and would continue to do great work for the City, that they were still projecting a shortfall of about \$8 million, although still of concern the good news was that it was a far cry from the budget gap the City faced just a few short months ago, that spending controls implemented by the former Brown administration and improvement in Sales Tax revenue helped whittle the shortfall from a high of about \$26 million in August to their current projection of \$7.8 million, that for three months in a row Sales Tax receipts had exceeded expectations and the most recent Sales Tax check in December was up about 2% from a year ago and they would receive the January Sales Tax check this week and to keep in mind that the check, which was for taxes collected by retailers during November would include just a few days of the holiday shopping season, that they started a little later than usual and really would not give them a detailed picture of how the holiday sales went, that if the pre holiday forecast rang true they could see another bump in Sales Tax revenues, however they would not know until the February Sales Tax check came in, that she was going to dispense with some of the other verbiage she gave Council yesterday, she would suggest to Mayor White and the new Council that they take steps now to deal with the projected \$8 million shortfall, that if they were wrong and the Sales Tax revenues improved markedly the City would be able to end the fiscal year with a little extra money in the bank and they thought that would be a novel way to start of the new fiscal year, that on another note it appeared that their cash flow situation was improving, their calculations indicated that they could have an ending cash balance of \$9.4 million plus the \$20 million sitting in the Rainy Day Fund, that was compared to a year ago at the same time when they were projecting there would be no cash left at the end of FY03, in closing her office was more than willing to help as they looked for ways to bridge the revenue shortfall and in fact they were more than happy to help in any way they could with the new administration and Council, and that concluded her report. Council Member Wiseman absent.

Dr. Phil Scheps, Director, Finance and Administration, stated that he too would be brief since all of the Council Members, except for one, were at the meeting yesterday where they had a long discussion of it, that the Sales Tax check was due in about an hour so they were all very optimistic about the Sales Tax continuing to improve, that the report was the same as the last report, that there were no actual changes in the estimates, although from time to time they would make changes every month, but they had made none in this particular month, although the last three Sales Tax checks had been good and that reinforced their estimate and they believed their estimate would be correct, that another area of optimism was the gas franchise, the natural gas price remained high and that was good for revenues for the City because of the franchise fee they received and they though there was some optimism there, that as he mentioned yesterday the telephone franchise revenue was an area of pessimism they had not properly predicted that trend to the decrease in the number of land lines and hopefully that trend may be reversed and may be temporary as had been suggested, but at this point they showed a fairly substantial difference from budget and they were on the pessimistic side that they may have to further revise downward, that although he did not point it out yesterday, he normally in his letter put the staffing chart, that their staff continued to drop fairly markedly and was about a

17% drop over the last three years and he had that plotted, that they were real people on the payroll, not FTEs, it was actually people doing the work and had been adjusted for those cases where they for instance taken City employees, who were still working but were under a contract to a non profit at the zoo, they had tried to be fair in the presentation and adjust for those sort of things, that they could look at that chart and know that was a fairly dramatic decrease in staffing, that it was a balanced budget, the Controller showed an unbalanced budget and they showed a balanced budget, they of course recognized the Controller's importance in ultimately certifying the revenues available and they were her numbers they would have to deal with later in the winter, but their balance, if they were correct, was a healthy balance and a substantial proportion, it was about 8.7% of expenditures less debt service which appeared to be a healthy ending balance at this point, and that concluded his report. Council Members Goldberg and Wiseman absent.

Council Member Sekula-Gibbs stated that yesterday at the Fiscal Affairs meeting she pointed out that there was a noticeable decline in revenue that they had been seeing ever since the Houston Emergency Center went on line and that was something that was present in the MOFAR in the ambulance section and if they would note it said that there had not been reports on any incidents since August and they should be getting those reports from the HEC, one of the problems was that there was a glitch in the new computer system that kept them from billing mileage for the ambulance transports, that they needed to address it as soon as possible, that in addition there was another problem with the Houston Emergency Center computer system and that prevented them from entering patient data that should be going back to the HEC Center and that needed to be addressed as well, that it was something that was brought to her attention yesterday and hoped that the IT Department could rectify it as soon as possible. Council Members Goldberg and Wiseman absent.

Mayor White stated that he appreciated the fact that they got some notice of her concerns and an inquiring had already been made to gather information for consideration about that particular topic. Council Member Goldberg absent.

Council Member Alvarado stated that about a year ago she raised the issue of the revenues they got from the land lines versus the wireless and her prediction was that people were moving away their land lines and moving more towards wireless, even for home usage, that she knew it was not something they could take care of at Council, but it ought to be something they tried to address in the State Legislature or through the Congress because if the trend continued they would continue to lose those revenues from the land lines and asked Dr. Scheps what was his estimate of what they were losing because of the trend going towards wireless versus land lines, and Dr. Scheps stated that they assumed a gentle escalation of that and they were showing about a \$4.5 million decrease from the budget so they might say if that was the only reason that was happening it could be that some of the decrease was because of an economic slowdown but he would say the \$4 million range may be appropriate, and Council Member Alvarado stated that she raised the issue when they were reviewing the 911 budget so she thought it was something they were going to have to keep their eyes on in the very near future.

Mayor White asked if it was clear that they had the authority or did not have the authority to make or adjust franchise fees of other appropriate fees on wireless, and Mr. Hall, City Attorney, stated that they had a file on it and would provide it to the Mayor, that there was a question about actual disclosure of that number and that was the issue that Council Member Alvarado raised when they were doing the 911, disclosure by the provider, that they argued the City could not, and Mayor White stated that he looked forward to being briefed on the matter at a later time. Council Member Goldberg absent.

Council Member Edwards stated that she wanted to lift up her concerns about the CIP and how the drainage or the reconstruction of debt that would not be occurring or whatever was going to be affected, that she really needed to have a briefing from the administration as to how

they were going to move forward with addressing the issues in the community, that she knew it would be primarily the street projects that were concerned with the problem but they had several CIP projects in her district that would be totally eliminated with where they were at right now, so she would like to have somebody address that with her and her staff. Council Member Goldberg absent.

Mayor White stated that there were two steps that he intended to take in approximately the next 10 days, first to consider the alternatives for extending the funds that they were using on maintenance, that he did not need to tell the Council Members who had sat at the Council table before the history of the debate concerning the Capital Improvements as part of that but though that in short order there was a very reasonable request that there be a briefing made concerning alternatives and the only indulgence that he asked was that at or about the same time he wanted to get the same type of briefing on alternatives and had asked people to pursue some, he thought it was something that could occur within the next 10 to 14 days and there were various members of the administration sitting the Chamber who he would ask to remind him and help him make sure he had it on the schedule and then they would arrange an appropriate time for the Council Members to be briefed on that same situation. Council Member Goldberg absent.

Council Member Kahn stated that yesterday in the briefing he brought up the issue of rising health care cost for the City and brought up the point that the City should look into, as an alternate, self insuring, because they had the huge medical center, and one of the arguments given to him was because of the shortage of cash flow they could not go into self insurance because it would end up being too high, that he knew they could buy catastrophic insurance in the event that the cost was becoming so high, so he would still request the administration to look into, as an alternative, because it may save the City a lot of money if they looked into self insuring for health care cost. Council Member Goldberg absent.

Council Member Ellis moved to accept the Monthly Financial Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0015 ADOPTED.

Council Member Quan moved to suspend the rules to consider Item Numbers 40, 36, 33, 33a, 34 and 34a out of order, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0016 ADOPTED.

40. MOTION by Council Member Ellis/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcel HY3-002, located at 1700 Travis, owned by The Carter Investment Company, W. T. Carter III, President, for the **FIRE SUPER STATION PROJECT**, CIP C-0149-01-3 - **DISTRICT I - ALVARADO** - **(This was Item 66 on Agenda of December 23, 2003, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented.

Council Member Quan moved to refer Item No. 40 back to the administration, seconded by Council Member Wiseman. All voting aye. Nays none. MOTION 2004-0017 ADOPTED.

36. ORDINANCE approving and authorizing first contract amendment between the City of Houston and **CAPPS RENT A CAR, INC** for Revisions and clarifications to the contract - **(This was Item 37 on Agenda of December 23, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. Council Members Ellis and Wiseman voting no, balance voting aye. ORDINANCE 20034-0001 ADOPTED.

33. WRITTEN Motion presented by Council Member Parker to amend Item 33A as follows:
"The Convention and Entertainment and Aviation Departments must report special event expenditures (events not covered by rental agreements or contracts) as part of their

annual budget presentation and must provide cost recovery to the general fund.” – **(TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented.

Council Member Alvarado moved to refer Item No. 33 to the appropriate committee, seconded by Council Member Quan.

Council Member Edwards asked if the International Festival moved and Council Member Alvarado stated yes, that it was a five year contract.

Council Member Goldberg stated that he would like to add a friendly amendment since the committee had not been formed, that they build in some sort of deadline so they knew it would come back, that the item would be back on the City Council agenda by April 1, 2004, and Council Member Alvarado stated she would accept the friendly amendment.

Council Member Berry stated that it bared noting that the International Festival’s five year contract actually gave them a two year kick out clause and thought there was interest among some of their board members to coming back downtown, that they might disagree on what it might cost them in sacrifice to do that but hoped the administration to do that because he thought it was good for downtown and would like to see it come back.

A vote was called on Council Member Alvarado’s motion to refer Item No. 33 to the appropriate committee. All voting aye. Nays none. MOTION 2004-0018 ADOPTED.

33a. ORDINANCE **AMENDING CHAPTERS 2, 28, 32, 40 AND 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to use of City Parks, Streets and other City property for Special Events and other similar purposes; prescribing procedures for issuance and revocation of permits for certain events; declaring certain conduct to be unlawful and providing a penalty therefore – **(This was Item 19 on Agenda of December 23, 2003, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented.

Council Member Alvarado moved to refer Item No. 33a to the appropriate committee, seconded by Council Member Quan.

Council Member Goldberg stated that he would like to add the same friendly amendment that it be put back on the City Council agenda by April 1, 2004, and Council Member Alvarado stated she would accept the friendly amendment.

Council Member Garcia stated that on the ordinance he would appreciate when it went to the respective committee that some of the groups like the International Festival be involved because he had gotten several emails on the ordinance by other groups like the Bayou City Arts Festival that also was going to be impacted and other organizations that were really working to make their festivals signature events for the City and it would be important to take their input as well.

Mayor White stated that he would ask relevant staff of the Agenda Director’s office to remind the Chair of the relevant committee to adhere to the request by the Council Member made in open Council concerning the stake holder involvement.

A vote was called on Council Member Alvarado’s motion to refer Item No. 33a to the appropriate committee. All voting aye. Nays none. MOTION 2004-0019 ADOPTED.

34. WRITTEN Motion by Council Member Edwards to amend Item 34A as follows:
1. In proposed city code section 2-346(b) delete positions 1 and 8 through 11; renumber positions 2 through 7 as 1 through 6
 2. Amend proposed city code section 2-346(c) to read:
(c) The Board shall annually elect a chair from among its members.

3. Make any other revisions as required to conform to items 1 and 2 above
(TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, PARKER and QUAN) – was presented.

Council Member Edwards moved to refer Item Numbers 34 and 34a back to the administration, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0020 ADOPTED.

34a. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, BY ADDING A NEW DIVISION 3 TO ARTICLE XI, CHAPTER 2**, relating to the creation of a Mayoral Advisory Board for International Affairs and Development (MABIAD) – **(This was Item 21 on Agenda of December 23, 2003, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, PARKER and QUAN)** – was presented and referred back to the administration by MOTION 2004-0020.

Council Member Edwards moved to suspend the rules to consider Item No. 35 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0021 ADOPTED.

35. ORDINANCE approving and authorizing a first amendment to a contract between the City of Houston and **ZINA GARRISON ALL COURT TENNIS ACADEMY** for a Tennis Program for Youth and **ZINA GARRISON**, individually – **(This was Item 36 on Agenda of December 23, 2003, TAGGED BY COUNCIL MEMBERS GOLDBERG and WISEMAN)** – was presented.

Council Member Edwards stated that she had all intentions of voting on the ordinance but had some concerns regarding the in kind services that the City was providing on the contract, that they had a dollar figure but what her question was that when they added up the dollar figure for the in kind services over the course of the contract was that a policy that was open to all non profits or was it just particular to that particular contract, that she thought they were going down a slippery slope but she needed to know because she was having people ask her if they could get that kind of deal, so she needed to know from the appropriate parties if it was something that they were going to be doing as a policy or was it just particular to the contract.

Mayor White stated that the question was when it came to valuing the cost of provision of services by non profit providers and valuing the in kind did the City have some consistent policy and Council Member Edwards was requesting that there be a response to her, and that was a reasonable request, and there would be a response forthcoming.

Council Member Goldberg stated that he was in complete agreement with Council Member Edwards, that she was asking if it was a new precedence and he thought it was and thought they were venturing out on a slippery slope, if they started evaluating one non profit versus another he thought everybody would have a different opinion, that he thought they really needed to draw a line in the sand when they considered the item and not set the precedent that would go not just for tennis lessons but soccer or baseball, little league or any organization that wanted to use the City's fields.

Council Member Goldberg moved to refer Item No. 35 back to the administration, seconded by Council Member Wiseman.

Council Member Sekula-Gibbs stated that she wanted to speak in favor of Item No. 35 and did not look at it as a slippery slope at all, that it was a goal of having public private partnerships, that she looked at it as a positive that they were embracing outside groups that could do the work that their own Parks Department could not do because they had cut them so much over the last many years, so giving them an opportunity to reach out to the community and provide lessons and to provide access to a sport that maybe they would not have, that she

thought it was a good thing and thought that the Zina Garrison organization had proven themselves, they had been around for many years, that she did not have a problem with supporting the item and thought it helped keep kids off of drugs and of the streets and that was really what the Parks Department was supposed to be doing.

Council Member Edwards stated that she agreed with Council Member Sekula-Gibbs, she did not have a problem with doing it, she was just asking for a policy as to how they would do it.

Mayor White stated that there had been a request, he understood, through the Agenda Director, by some of the new Council Members for a little bit more background on the issue, that he heard from Council Members Goldberg and Edwards concerning some criteria that was used to test cost effectiveness, and with those things in mind before they voted on the motion, he would say that if the item was referred back to the administration he would request those taking notes diligently who worked in the administration to make sure first that he receive and review the information from the Parks Department and others concerning the contract, including the cost effectiveness, and second, that a response be made and be made promptly, like this month, to the issues, that it could be addressed to Council Member Edwards and copied to other Council Members concerning whether or not the methodology for testing in kind contributions had been applied to other programs that were similar in nature, and third, he would request that the appropriate briefings be made by all interested Council Members, that it should be communicated through the Agenda Director's office and their staff concerning the particular matter, and that following that it would be brought up expeditiously to the Council for a final vote.

Council Member Sekula-Gibbs asked if it was a time sensitive issue for the Zina Garrison Organization and would they be handicapped if delayed, and Ms. Culbreth stated that she did not believe that a delay to refer back to the administration would put undo harm to the Zina Garrison Academy at this point, she thought they could work with some more time.

Council Member Quan stated that one of the provisions in the contract that disturbed him was the fact that they did not have a 30 day right to cancel in the contract, which had been standard in most City contracts, and would ask that as it was reviewed that they look into the use of that clause as well and give the City flexibility, that it was a three year contract with a three year option without the City's right to cancel at any time, which to him set a dangerous precedent as well.

A vote was called on Council Member Goldberg's motion to refer Item No. 35 back to the administration. Council Members Edwards, Galloway and Sekula-Gibbs voting no, balance voting aye. MOTION 2004-0022 ADOPTED.

Council Member Ellis stated that he knew they grouped Item Numbers 34 and 34a together to be referred back to the administration and it was his understanding that they needed to call each of the items separately, and the City Secretary stated that when Item No. 34 was called she announced that Item No. 34 was a motion to amend Item No. 34a, which was an ordinance, that they were tied together.

CONSENT AGENDA NUMBERS 1 through 32

ACCEPT WORK - NUMBERS 4 through 7

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,911,640.98 and acceptance of work on contract with **KINSEL INDUSTRIES, INC - PM CONSTRUCTION - A Joint Venture**, for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-72-3 (4257-13) - 01.43% under the original contract amount – was presented, moved by Council Member Wiseman, seconded by Council Member Sekula-Gibbs. All voting aye. Nays

none. MOTION 2004-0023 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,427,637.69 and acceptance of work on contract with **FORD CONSTRUCTION COMPANY, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-84-3 (4258-5) - 01.54% under the original contract amount **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Wiseman, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0024 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,362,925.91 and acceptance of work on contract with **P.M. CONSTRUCTION & REHABILITATION, L.P.**, for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-85-3 (4257-19) - 02.52% under the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM and H - GARCIA** – was presented, moved by Council Member Wiseman, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0025 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,021,041.76 and acceptance of work on contract with **TROY CONSTRUCTION, L.P.** for Utility Repair Site Restoration, (10705) - 00.01% under the original contract amount – was presented, moved by Council Member Wiseman, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0026 ADOPTED.

PURCHASING AND TABULATION OF BIDS – NUMBER 12

12. **ROBINSON FANS FLORIDA, INC** for Replacement Rotors for Centrifugal Fans for Department of Public Works & Engineering - \$55,900.00 - Enterprise Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0027 ADOPTED.

ORDINANCES - NUMBERS 17 through 32

17. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of McGowen Avenue, Parcel SY3-018, vacating and abandoning said portion of said avenue to Rutco Agency, L. P., the abutting owner, in consideration of (i) its dedication of a 40-foot-wide utility easement, from ±50 feet east of Callie Street to its terminus, Parcel VY3-004, located in Leeland Park addition and (ii) its payment of \$5,710.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2004-0002 ADOPTED.
19. ORDINANCE issuing a permit to **EXXON MOBIL CORPORATION**, 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 - LAWRENCE; B - GALLOWAY; E - WISEMAN; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2004-0003 ADOPTED.
20. ORDINANCE issuing a permit to **MOBIL PIPE LINE 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 - **DISTRICTS B - GALLOWAY; E - WISEMAN and H -**

GARCIA – was presented. All voting aye. Nays none. Council Member Ellis absent.
ORDINANCE 2004-0004 ADOPTED.

32. ORDINANCE appropriating \$115,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional General Environmental, Asbestos and Lead Related Consulting Services contract between the City and **TOLUNAY-WONG ENGINEERS, INC**, CIP S-0019-28-2; providing for contingencies relating to facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Ellis absent.
ORDINANCE 2004-0005 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment of **MR. ABE S. GOREN**, to Position Six of the **REINVESTMENT ZONE NUMBER TWO BOARD OF DIRECTORS, also known as the MIDTOWN ZONE**, for a term to expire December 31, 2005 – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis absent. MOTION 2004-0028 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment of **MR. ABE S. GOREN**, to Position Six of the **MIDTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2005 – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0029 ADOPTED.
3. RECOMMENDATION from Acting Director Building Services Department for approval of a list of additional contractors for Pre-qualification as Asbestos/Lead Abatement Contractors and rescind Motion #01-0368 – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0030 ADOPTED.

ACCEPT WORK

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,254,735.38 and acceptance of work on contract with **JAY C. CONTRACTOR** for Citywide Fire Hydrant Replacement and Height Correction, GFS S-0517-12-3 (WA10679) - 25.26% under the original contract amount – was presented, moved by Council Member Quan, seconded by Council Member Alvarado.

Council Member Berry stated that as he understood the item actually came in under contract amount and saved the City money, that he did not recall ever seeing that so he wanted to comment that the contractor deserved to be applauded.

Mayor White stated that he did intend to keep a score card on the performance on providers for professional services and contractors who did business with the City, and in that score card there would be several explicit criteria and quality performance at a low cost was number one, community involvement, commitment to diversity and local employment were factors to be considered, no other factors would be considered, that he had done it at dozens of meeting already, that those were the criteria and those were the things that he had explicitly asked the Director of Public Works to help him keep score based on those criteria and those criteria alone.

A vote was called on Item No. 8. All voting aye. Nays none. MOTION 2004-0031

ADOPTED.

PROPERTY

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Debra Leger-Jordan, Windrose Land Services, on behalf of JEC Texas, Ltd., [JEC Development, Inc. (James E. Cox, president), general partner], for the abandonment and sale of 10-foot-wide utility easement within the Samuel D. Smith Survey, Abstract 737, Parcel SY4-013 - **STAFF APPRAISERS - DISTRICT E - WISEMAN** – was presented, moved by Council Member Wiseman, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0032 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. ORDINANCE appropriating \$369,252.70 out of Airports Improvement Fund (Fund 561) for purchase of 75 Liquid Crystal Displays for the Houston Airport System – was presented. All voting aye. Nays none. ORDINANCE 2003-0006 ADOPTED.

Council Member Edwards stated that she had some concerns regarding the opening of the new terminal, the news reports regarding signage and people being able to get to the terminal and wanted to know if someone could brief her from Aviation as to what was going on there and how they expected to rectify a 30 minute walk from the terminals, that it seemed to her unacceptable but did not know what the issues were that was causing that.

Mayor White stated that he would ask that there be a brief report that could result in questions, and would be communicated to the Director of Aviation, at the next regularly scheduled Council meeting in response to questions by Council Member Edwards and the Mayor's concern that the citizens who used the airport or the customers and how did they grade the Aviation Department on customer service as far as getting people around and letting them know where to go and all that, that he thought it was a matter of concern to a number of people. Council Member Wiseman absent.

- 10a. **DELL MARKETING, L.P.**, for 75 Liquid Crystal Displays from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Houston Airport System - \$369,252.70 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0033 ADOPTED.
11. REJECT bid of **INNOVATIVE PIPELINE TECHNOLOGIES, INC.** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, GFS R-0266-C6-3 (WW4277-18) – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0034 ADOPTED.
- 11a. ORDINANCE appropriating \$819,636.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C6-3 (WW4277-18); 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 2004-0007 ADOPTED.
13. **HOUSTON FREIGHTLINER, INC** for Garbage Trucks for Solid Waste Management Department \$2,027,623.92 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Quan, and tagged by Council Member Ellis. (Note: Council Member Ellis released his tag later in

the meeting.)

14. **AMEND MOTION #2001-0127, 2/7/2001, TO EXTEND** expiration date from March 1, 2004 to February 28, 2005, for Caterpillar Tractor Parts and Service Contract for Various Departments, awarded to **MUSTANG TRACTOR AND EQUIPMENT COMPANY** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0035 ADOPTED.
15. **PRIME MATERIALS & SUPPLY CORP.** for Asphalt Emulsion for Various Departments \$909,952.65 - General and Enterprise Funds – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Alvarado, and tagged by Council Members Ellis and Quan.
16. **NORTHWEST PIPE COMPANY** for Sign Posts and Associated Hardware, Part II for Various Departments - \$126,426.00 minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$3,792.78 for a net award amount not to exceed \$122,633.22 General Fund – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0036 ADOPTED.

ORDINANCES

18. ORDINANCE appropriating \$56,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Midtown Fund No. 98E and approving and authorizing first amendment to development agreement with **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to provide \$56,000.00 of additional funding for Lead Abatement Costs related to nine affordable rental units - **DISTRICT H – GARCIA** – was presented, and tagged by Council Member Holm.
21. ORDINANCE approving and authorizing amendment No. 1 to the Airport Advertising Concession Agreement between the City of Houston and **JCDECAUX AIRPORT, INC** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - **DISTRICTS B - GALLOWAY and I – ALVARADO** – was presented, and tagged by Council Members Ellis and Holm.
22. ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE** for the Raising Immunizations thru Education (“RITE”) Program; providing a maximum contract amount - \$427,000.00 - Grant Fund – was presented.

Council Member Berry stated that as they knew Houston’s record on immunizations was not very good and obviously it was something that they were moving to correct and he hoped that Mayor White’s administration would make very clear to the Health Department that a change was in order in the way they did that, that a good example was in their office they were going to use one of their municipal program segments to educate the public on how to get immunizations, that there was a lot of fear in some communities that they could acquire the disease through the immunization, that to say that the Health Department did not work with them was an understatement, that they practically prevented them from doing that, that it shocked and amazed him to see that the Health Department seemingly had zero interest in educating the public about particularly why they needed to be immunized and how the City could help them, that he hoped the administration would make clear to them that was unacceptable.

Council Member Sekula-Gibbs stated that she would like to underscore what Council Member Berry had stated and to reiterate that they were close to the bottom nationally in terms of immunizations, that she agreed that they needed to go forward on Item No. 22 and reopen

Riverside Clinic so the Third Ward could have a place to go to get the immunizations.

Council Member Edwards stated that she would respectfully have to disagree that Health Department was not trying to inform the community about immunizations, that one of the things that they had found out in that effort was that most of the young mothers had never experienced whooping cough or tuberculosis or measles or polio, that there may be some individuals who maybe did not help assist Council Member Berry but she would say that a lot of the reasons why they had a low immunization rate was because of a general awareness, that there were some doctors who did not even know what whooping cough looked like, so it was not just the parents, it was a whole societal thing, so she would say that from her experience with the Health Department whenever they had opportunity to do community awareness they had been there, that she was not saying they had a perfect record, they could do better, but she would dare say to characterize as not being willing and wanting to make their community aware, in her opinion, was unfair.

Council Member Kahn stated that he wanted to point out that in the education program they could use a lot of community organizations who were doing the health care and preventive care and immunizations, that they were doing on their own educating the communities about the need for preventive health care and immunization, that he would request the administration look into that the education program use the community organizations to help them achieve their goals.

After further discussion a vote was called on Item No. 22. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0008 ADOPTED.

23. ORDINANCE approving and authorizing contract between the City and the **CYPRESS CREEK VOLUNTEER FIRE DEPARTMENT** for Supplemental Firefighting Services in the Willowbrook Mall Area; providing a maximum contract amount - \$400,000.00 - General Fund - **DISTRICT A – LAWRENCE** – was presented. All voting aye. Nays none. ORDINANCE 2004-0009 ADOPTED.
24. ORDINANCE amending Ordinance No. 99-0072 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and **INFRASTRUCTURE SERVICES, INC** for Sweeping Services for Public Works & Engineering Department - \$732,335.09 - General Fund – was presented, and tagged by Council Member Wiseman.
25. ORDINANCE appropriating \$371,500.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Regional Computerized Traffic Signal System (RCTSS) CMAQ Project under contract between the City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC d/b/a PBS&J** (approved by Ordinance No. 01-1005), GFS N-0650-08-2 – was presented.

Council Member Quan stated that while he certainly supported traffic signalization he was disturbed by the presentations yesterday by some of the people in the department who were complaining that engineering work had not been done well and wanted to make sure that they did not end up wasting more money for doing the same thing that they spent money on previously, that he wanted a briefing as to how the synchronization was supposed to work because it was an item that had been before the Council for the last four years and they still had not gotten it down straight.

Mayor White stated that he would note that there would be some discussion of that and request that he had made of Public Works, immediately following the Council meeting by the Director of Public Works and the Mayor.

Council Member Sekula-Gibbs stated that it was important that they support the initiative

and she did support it and would vote for the item but would have to say that after hearing the worker yesterday who commented that they had 18 people doing the 600 square miles for the City it sounded like they were not capable of doing the work, even though they may have an engineering firm telling them where to go and what to do, that there may be a top heavy situation and they needed to certainly be aware of that, that the other question she had was regarding grant funds, that they had a grant that was given to them from TXDOT for the same effort and would like to make sure they were using the grant for that purpose.

Council Member Berry stated that he was happy to see in the backup, with regard to the source of the funds, that 80% of it was coming through federal funds, the T21 money, that it was not all going to be drained out of the local budget, which was a good thing, that he was not going to tag the item but did have some questions, so maybe at their first TTI meeting, once it was put together, it would be a good opportunity for Mr. Vanden Bosch to brief the Council Members on it.

Mayor White stated that he appreciated the comment made by Council Member Berry concerning the desire to move on with certain things and avoid delays, second, he thought it was a very reasonable request and one that he thought would be prepared for because it reflected requests made from within the administration by the Mayor's office concerning an analysis of just traffic management and the allocation of funds and FTE's and responsibilities within the Public Works Department, that he would also let the Council Member note that during the time he was preparing for the new job there was much work and briefing done, not only by the Department of Public Works but by Trans Star and there would be plans announced this month based on the conclusion of that analysis, that he would invite comments by Council Members at the appropriate time and place as well as other administrations concerning procedures for inquiries of Council Members by individual contractors, that he would say he was cold on what the best way to accommodate both the satisfaction of Council Members concerns and have some kind of orderly process for communicating with people under the terms of the City Charter and their contracts, that he would appreciate some advice and counsel from various people on that particular topic so they could come up with some policy concerning that particular item, in the meantime if the issue tended to come up, unless someone deflected him, he would say they would entertain specific questions or requests through the Mayor's office of particular contracts in accordance with the general provisions of the Charter and their contracting terms, that they would find more responsiveness there.

Council Member Garcia stated that on the particular item he referred to it yesterday in the sense of making sure that in areas where there were assisted living centers or facilities that they take into account in the coordination of the lights and timing of crossing lights those folks that were most apt to use those particular intersections, that he had a couple of them in his district, that where they had a assisted living center right at the corner of a crossing intersection he really thought it was important for them to make as part of the plan the folks that were more apt to use those particular lights and take into consideration the difficulties they may be challenged with, that he would ask that it be incorporated into the plan, that in terms of the question of performance of the group he would encourage the Mayor to have them report to the Council on a quarterly basis as to the progress of their work.

Mayor White stated that Council Members were invaluable as part of City government in helping the administration identify the highest priorities for signals, stop signs and speed bumps within their districts, that he would welcome specifics that were thought through with care concerning the highest priorities within Council districts, that they could rest assure that there would be very complete reporting done more often than quarterly directly to the Mayor's office and would be free to share with people concerning the signalization program and the timing of the signals.

Council Member Ellis stated that yesterday he was rethinking the public session and Mr. Taylor whose comments and commitment to his job and the sincerity of his comments, that he

was present trying to protect his supervisors job, which was commendable but there may be a problem there from the standpoint that he was also complaining that they did not have the necessary supplies to work at the highest capacity for his job and that the engineering studies were faulty, and the job security, the fact that he was present at the public session and was concerned about his job security, that he assumed he was a civil servant and therefore he was protected and any worker who was not in the executive level that worked for the City of Houston could come to Council and speak to them, that he was trying to protect his supervisor but yet his supervisor was not sending memos to the Council Members and telling them that there were problems, that told him that there was a problem from the top down, that he personally wanted to hear the complaints, he expected the supervisors to send memos to the Mayor and therefore it would be given to all of the Council Members and so forth, that he just wanted to hear the other workers and the problems they were having with their supervisors, that the workers should not have to take a day of and register their complaints with the Council. Council Members Goldberg and Berry absent.

Mayor White stated that there was one issue that they all sympathized with, people who were asked to do a particular job and to do more work than there was time in the day or resources, that they had to get realistic feedback on that, that he shared Council Member Ellis's invitation to get full communication, where that may be the case. Council Members Goldberg and Berry absent.

Council Member Galloway stated that on the employee and supervisors notifying the Mayor or Council in regards to working conditions, it was highly unorthodox in this day and age because they felt reprisals or gotten rid of, that was the reason Housnitch came about so employees could have a mechanism for snitching without being recognized, until it comes from the top down where employees would feel comfortable then it would never come to pass, that she knew supervisors who were told to never talk to Council Members. Council Members Goldberg, Alvarado, Quan, Sekula-Gibbs and Berry absent.

After further discussion, Council Member Galloway moved to call the question on Item No. 22. All voting aye. Nays none. Council Members Goldberg, Alvarado and Berry absent. MOTION 2004-0037 ADOPTED.

A vote was called on Item No. 25. All voting aye. Nays none. ORDINANCE 2004-0010 ADOPTED.

26. ORDINANCE appropriating \$371,500.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Regional Computerized Traffic Signal System (RCTSS) CMAQ Project under contract between the City of Houston and **KLOTZ ASSOCIATES, INC** (approved by Ordinance No. 01-1005), GFS N-0650-08-2 – was presented. All voting aye. Nays none. ORDINANCE 2004-0011 ADOPTED.
27. ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract with **METROPLEX INDUSTRIES, INC** for Safe Sidewalk Program F0 Project, GFS N-0610A-F0-2 (SB9137); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented, and tagged by Council Member Galloway.
28. ORDINANCE appropriating \$744,703.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C2-3 (WW4277-14); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Galloway.

29. ORDINANCE appropriating \$828,344.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C3-3 (WW4277-15); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Members Galloway and Goldberg.

Council Member Goldberg stated that he wanted to tag the item also and if someone could visit with him on the scope, and Mayor White stated that the request had been duly noted.

30. ORDINANCE appropriating \$791,295.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **SHUMAKER-HARVEY EQUIPMENT CO. DBA, SHE-CO.** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C4-3 (WW4277-16); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Galloway.

31. ORDINANCE appropriating \$768,526.00 out of Water and Sewer System Consolidated Construction Fund, awarding construction contract to **UTILITY & ENVIRONMENTAL SERVICES, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C5-3 (WW4277-17); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Galloway.

Council Member Galloway stated that she tagged the items because they really needed to look into the contracts and bids that were being sent out because all of them were below a million dollars and she had been working with the MWBEs for the last four years and what she had noticed in those that were being sent out was that many of them could be combined but they were a million dollars they did not have to have any MWBE participation and there were no goals set on any of the items, that she did not know why they were being released that way and so she really wanted to do some more research on the contracts being released because none of them had no participation for MWBE and hoped they would look into that, and Mayor White stated that they would arrange to get that briefing to her before the next Council session.

Council Member Goldberg stated that Council Member Galloway brought up a good point but it was a two edge sword because a lot of the firms were certified MWBEs and now they were giving them an opportunity to bid on them as a prime contractor and that was the whole purpose of the MWBE Program, to build up small businesses so that they could be prime, that they could be both a certified MWBE as a sub contractor but in this case it seemed like some of them were primes which he thought was the goal and that was something they needed to take into consideration when they did make them lower if they combined all of them into one \$10 million package then that might wipe out all of the MWBE certified companies that would like to bid on it as a prime contractor and that was something to look at.

Mayor White stated that he appreciated the comments by the Council Members and the items had been tagged and asked for some explanation.

MATTERS HELD - NUMBERS 37 through 39

37. ORDINANCE appropriating \$75,000.00 out of General Improvements Consolidated Construction Fund as an additional appropriation for Environmental Consulting Services under Professional Environmental Services Contract with **RAO ENVIRONMENTAL**

(approved by Ordinance No. 01-0796); providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund – **(This was Item 44 on Agenda of December 23, 2003, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented.

Council Member Galloway stated that she tagged the item at last Council session and the reason was because they had the same contract issued to two other contractors and they were only for \$50,000 to retain them for their services, that she was wondering why there was a \$25,000 difference from the other contractors for the same type of work, that the reason she got as to why these contractors were awarded \$25,000 more was because they were accessible, very professional and one had a PHD, that in one company two had a PHD, that if they could get the same work and the person did not have a PHD it should not be a criteria, that she was sure that all the companies who they had as consultants or retained were professionals, but she really wished they would set some type of criteria where it would be equal when they released the consultant contracts.

Mayor White stated that there was a new administration and the Chair was not familiar with every single consulting contract or professional services contract and there may be policy issues raised by individual matters which they could discuss without disrupting the ordinary flow of City business, that on the policy matter he would say that the criteria he would ask Building Services and other people who recommended professional services was diversity, commitment to local community and local employment, and if they could pay somebody to do the same job who had a Bachelors Degree at half the price then that was who he wanted to get the contract, and if they did not do the same job and it was professional services then why were they hiring them, that they were all communicating about those things and when various issues about professional services recommendations were made to the Mayor he was going to be asking those type of questions, what had they done to reduce the soft costs that the City paid, which were excessive. Council Members Goldberg and Garcia absent.

A vote was called on Item No. 37. All voting aye. Nays none. Council Members Goldberg and Garcia absent. ORDINANCE 2004-0012 ADOPTED.

38. ORDINANCE appropriating \$75,000.00 out of General Improvements Consolidated Construction fund as an additional appropriation for Environmental Consulting Services under Professional Environmental Services Contract with **CORRIGAN CONSULTING, INC** (approved by Ordinance No. 99-0513); providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund – **(This was Item 46 on Agenda of December 23, 2003, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2004-0013 ADOPTED.
39. ORDINANCE appropriating \$776,474.50 out of Parks Consolidated Construction Fund, awarding construction contract to **STRUCTURE MANAGEMENT L.L.C.** for Construction of Parks Master Plan - Burnett Bayland Park, GFS F-504A-16-3; providing funding for engineering testing services, Civic Art Program and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - \$300,000.00 CDBG Funds - **DISTRICT F – ELLIS – (This was Item 53 on Agenda of December 23, 2003, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2004-0014 ADOPTED.

Council Member Ellis stated that he would release his tag on Item No. 13.

Council Member Ellis moved to suspend the rules to consider Item No. 13 at this time, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0038 ADOPTED.

13. **HOUSTON FREIGHTLINER, INC** for Garbage Trucks for Solid Waste Management Department \$2,027,623.92 - Equipment Acquisition Consolidated Fund – was again before Council. All voting aye. Nays none. MOTION 2004-0039 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sekula-Gibbs stated that on January 3, 2004 the Mars rover called Spirit landed successfully on Mars and would be followed on January 25, 2004 by the second Johnson Space Center Mars endeavor which was called Opportunity, that it had been sending back wonderful color photographs for all of them to see, that it would be exploring with all sorts of scientific equipment to look for evidence of life in the past on Mars, that she wanted to congratulate Johnson Space Center, JPL and all of NASA on the successful landing. Council Member Wiseman absent.

Council Member Kahn stated that he wanted to thank the Council for approving Item No. 39. Council Member Wiseman absent.

Council Member Quan stated that he wanted to acknowledge and thank Mayor White for attending the Viet Nam Memorial Statue groundbreaking on Saturday, that it was a very important event for the Vietnamese Community, something they had been working very hard to accomplish, that Council Member Kahn was present also. Council Member Wiseman absent.

Council Member Quan stated that the Chinese New Year would be coming up later in the month and one of the things they would be doing to celebrate this year was working with Theater Under The Stars who would be bringing in the production of Flower Drum Song, which was recently on Broadway and selected by Time Magazine as one of the top ten Broadway musicals, that on January 18, 2004 they would be celebrating Asian Heritage Day at that production and would like to invite Mayor White and his wife, as well as the other Council Members, to attend, that they would be bringing in Tony Award winning playwright, Mr. David Henry Wong, who rewrote the score for the production, that there would be a reception at the rotunda at City Hall, that it was going to be a big event and would invite the community participate and join the Asian Community in the celebration of the Lunar New Year. Council Member Sekula-Gibbs absent.

Council Member Berry stated that he wanted to wish Council Member Edwards a very Happy Birthday. Council Member Sekula-Gibbs absent.

Council Member Berry stated that he wanted to thank Mr. Michael Moore who even through the transition had been a big assistance in helping with the final and most important stages, that Houston was, for the first time, going to be the host to the Stellar Gospel Music Awards this weekend, that it was going to be a great opportunity for Houston. Council Member Sekula-Gibbs absent.

Council Member Goldberg stated that he knew the Mayor campaigned on bringing in a new era of change and there were just some things at City Hall that had to be changed, that he wanted to bring some things to the Mayor's attention that they had been doing it all of the time and no one knew the reason why, that one was brought up last month, that they required of all contractors when they bid on an agenda item to put up a bid bond but they find they could not collect on the bid bonds because of the procedure, that a lot of it was that they were not set up to go after bid bonds, that he hoped that was something they could look into. Council Members Quan, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that in September when they were looking for organizations to do the After School Program, there was one in District C, a fitness center called Chancellors who bid on it and were going to do their After School Program at a City owned facility, a community center, and the program requirement was any building that they held the

After School Program in had to have an occupancy permit, well their own City buildings did not have occupancy permits, apparently, so a private company had to go apply for and get an occupancy permit for a City facility and they had to pay for the City to have an occupancy permit and did not have any choice if they wanted to get the After School Program, that he thought that was something they needed to look into. Council Members Quan, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that Mayor Brown initiated a program called Hometown Houston, where it was felt that a City was best served if there was a higher percentage of single family homes versus apartments, that in the City of Houston they were 35% single family homes and 65% apartment units and they really had not done anything to stem that tide, that he talked to Mr. Litke and there were about 4,000 permits pulled for single family homes and twice as many for apartment units, that was something he would like to see changed and was something he thought they ought to look into. Council Members Quan and Berry absent.

Council Member Goldberg stated that the Museum of Fine Arts Houston was presenting an incredible exhibit, it was black and white photographs of the very first year of the Houston Texans and was an exhibit they would have through the end of February, that the Holocaust Museum had a special exhibit on loan from the National Holocaust Museum in Washington, D.C. and was the exhibit of the 1936 Olympics from Berlin and was a huge exhibit, that it was free and open every day, that the exhibit, which ran through February, dovetailed perfectly with Black History Month, in February, because there was a large tribute in the exhibit for Jesse Owens and talked about all the hardships that Mr. Owens had to go through, all the racial and religious prejudice caused by the Olympics, that it was an outstanding exhibit. Council Members Alvarado, Quan and Berry absent.

Council Member Goldberg stated that he wanted to thank Council Member Quan for his service as Mayor Pro Tem and presented Council Member Quan with a golden fortune cookie as a token of gratitude for his years as Mayor Pro Tem. Council Member Berry absent.

Mayor White stated the comments on City Policy were dully noted and he would pursue. Council Member Berry absent.

Council Member Wiseman stated that she wanted to commend Mayor White on his first true Council session, that he handled it perfectly. Council Member Berry absent.

Council Member Wiseman stated that she would of course be using Council pop off to recognize notable achievements by constituents in her district and to announce community and civic events that would be occurring in her district, and would also use that time to bring to the Mayor's attention issues that her constituents had tried to deal with various departments and had hit roadblocks. Council Members Ellis and Berry absent.

Mayor White stated that there would be certain personnel announcements that would assist individuals in understanding some organization of the Mayor's office and certain changes and an overall discussion of responsibilities, that they would have mechanisms and vehicles in place so they could respond appropriately within the City Charter concerning specific concerns that Council Members had. Council Member Ellis absent.

Council Member Edwards stated that she wanted to welcome Mayor White and all new Council Members to City Hall and hoped they could develop an aggressive move forward strategy for their work to be done. Council Member Ellis absent.

Council Member Edwards stated that she did not know if the Council Members had a real intimate understanding of what was going on with the Super Bowl but she did not and would like to see an overview of what were the activities, that in particular she had a concern with the Hip Hop Summit that was going to be at Texas Southern University, that she knew the Police

Department met with them regarding the parking plan but would like to have information regarding that. Council Members Ellis and Quan absent.

Mayor White stated that was a very reasonable request and ought to be dealt with expeditiously, that suppose they first put together, with the assistance of the host committee, some schedule of events with some brief description and second, have a description of what the role was of the City, and given the importance of that to the City after that had been received did they believe an additional formal briefing ought to be done, and Council Member Edwards stated that it had been suggested that the Mayor's Report be used as an opportunity to give an overall briefing to the whole Council, and Mayor White stated that would be done. Council Member Ellis absent.

Council Member Edwards stated that as to the Special Events Ordinance she did not know where it was going to go because she did not know the committee structure, but she would like to work with that, that she had some concerns, that she did not know where they were in the process of the Miller Outdoor Theater Board, and Mayor White stated they would get back to her on that. Council Member Ellis absent.

Council Member Edwards stated that as to Item No. 34, she would also like to work with that, that she thought it gave them an opportunity to get a lot of their mid level businesses involved in international development. Council Member Ellis absent.

Council Member Edwards stated that in the late 1970's the Supreme Court issued a ruling that stated that all students at Prairie View that had established residence, even though they were students, could vote in the elections in Waller County, that since the ruling was handed down the District Attorney in Waller County had refused to let the students vote and in fact had some of them arrested for voter fraud, in spite of the fact that the Supreme Court had said that they were eligible, that there would be a rally on Thursday, January 15, 2004 and was going to be at the Prairie View area and they had information if anyone wanted to be a part of that. Council Members Galloway, Ellis and Berry absent.

Council Member Lawrence stated that she just wanted to say thank you to Mayor White for the transition that his office had provided and also that the Mayor Pro Tem's office had been very helpful to her office and to all the Council Members, that the briefings that were requested yesterday she hoped that all of the Council Members could weigh in on that and receive those briefings as a policy. Council Members Galloway, Ellis and Berry absent.

Council Member Garcia stated that he wanted to wish Council Member Edwards a Happy Birthday. Council Members Galloway, Ellis and Berry absent.

Council Member Garcia stated that this weekend there was going to be a citywide Super Bowl cleanup effort, some of which would be taking part in District H and would like to invite the At Large Council Members if they wanted to participate. Council Members Galloway, Ellis and Berry absent.

Council Member Garcia stated there was a particular contract on the abatement of graffiti that had lingered out there and would like to meet with the Mayor on that because it was not being used equitably, that concerns for the district were that once the Super Bowl comes and goes that they would not take care of the beautification of the City as they were doing right now with the anticipation of the tourists coming in, that he would like to be involved with them in that regard to make sure that the programs and efforts were maintained, enhanced and pushed forward. Council Members Galloway, Ellis and Berry absent.

Council Member Garcia stated that he had an interest as well with the Mayor's Advisory on International Affairs, that he was very interested in that, and Mayor White stated that his concerns were noted. Council Members Galloway, Ellis and Berry absent.

Council Member Holm's stated that she was so happy to be a part of the administration, that she wanted to recognize Ms. Whitney Bowles, her Chief of Staff, that she wanted to thank all of the Council Members, the Mayor Pro Tem's office, the Mayor's office and all of the departments and everyone who had made their transition so smooth and so easy and so positive. Council Members Galloway, Ellis and Berry absent.

Council Member Alvarado stated that she wanted to commend Mayor White on his hands on approach in his first couple of days. Council Members Galloway and Berry absent.

Council Member Alvarado stated that she would like to get an update from the appropriate person on the land assemblage, that she knew the Council had made their appointments to LARA and knew that Mayor Brown had made some appointments before he left, that part of her district was in the pilot project area in the Third Ward and would like to get a briefing. Council Members Galloway and Berry absent.

Mayor White stated that there would be an interdepartmental task force to deal with LARA and some of the other related issues involving public nuisances in the City. Council Members Galloway, Goldberg and Berry absent.

Council Member Edwards stated that she would like to have her office be a part of that task force, and Mayor White stated that was dully noted. Council Members Galloway, Goldberg and Berry absent.

Council Member Quan stated if they could let them know so they could bring the committee together to brief all of the Council Members, and Mayor White stated that was an excellent suggestion, that Council Member Quan was Chair of a committee that had responsibilities that were announced several weeks ago and thought there could be forum at which there could be participation by multiple Council Members, that the great news was that the City was of one mind on the issue that they had to do something about the problem and there was no pride in authorship of how they got from here to there and any Council Members or other citizens who had ideas of how they could shortcut the process of removing some of the blights they would appreciate that input. Council Members Galloway, Goldberg and Berry absent.

There being no further business before Council, the City Council adjourned at 11:02 a.m. upon MOTION by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. Council Members Galloway, Goldberg and Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary