

City Council Chamber, City Hall, Tuesday, January 27, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 27, 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 1:39 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Garcia. Council Member Garcia asked Council Member Alvarado to join him at the podium and stated that it was his honors to recognize an international guest present today, the famous boxing champion, Julio Cesar Chavez and invited him to the podium. Council Member Garcia stated that Mr. Chavez was committed to the principals of fare play and sportsmanship, which led to many accomplishments including being a world champion boxer in three different divisions with 107 wins, 86 by knockout, 5 losses and 7 draws and presented him a Proclamation celebrating his accomplishments to the world of boxing and extended him continued success. Council Members Galloway, Edwards, Wiseman and Berry absent.

Council Member Alvarado invited Ms. Barbara Gubbin, Director of Libraries, to the podium and stated that the library was celebrating its 100th birthday and Ms. Gubbin had a presentation. Ms. Gubbin stated that a centennial T-shirt was given to the Mayor and Council Members and she hoped they would wear it with pride and help celebrate their centennial this year. Mayor White stated that at the celebration he learned while there were over 50 Mayors there had only been 5 library directors in the last 100 years and he concluded they must be doing a better job than the Mayors. Council Members Galloway, Edwards, Wiseman and Berry absent.

At 1:48 p.m. Mayor White called the meeting to order and Council Member Garacia introduced Father Henry Walker of St. Patricks Parish who led all in the prayer and Council Member Garcia led all in the pledge of allegiance. Council Members Galloway, Edwards, Wiseman and Berry absent.

At 1:57 p.m. the City Secretary called the roll. Council Members Galloway, Wiseman and Berry absent.

Council Members Quan and Sekula-Gibbs moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Members Galloway, Wiseman and Berry absent. MOTION ADOPTED.

Council Member Green moved that the rules be suspended for the purpose of hearing from Ms. Niki Smith Evans and Ms. Candace Brooks out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Wiseman and Berry absent. MOTION 2004-0066 ADOPTED

Council Member Goldberg moved that the rules be suspended for the purpose of hearing from Ms. Brenda Flores after Ms. Candice Brooks, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Wiseman and Berry absent. MOTION 2004-0067 ADOPTED

Council Member Garcia moved that the rules be suspended for the purpose of hearing from Ms. Ms. Erica Charlton after Ms. Brenda Flores, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Wiseman and Berry absent. MOTION 2004-0068 ADOPTED

Ms. Niki Smith Evans, 15715 Bammel Village Drive, Houston, Texas 77014 appeared and stated that she was present with her father, Mr. Erin Smith, representing their company Airport Express Management; that renovations at Bush Airport Terminal C were anticipated but without warning additional gates were closed and it had placed an enormous burden on their company and it had come when they expected a boost from the Super Bowl occurring in Houston; that Continental had rerouted to Terminals B and E and up until now they had reduced their debt and met obligations but with the closing of the gates it jeopardized their commitment of repaying loans and they were seeking economic compensation of sales and a reasonable amount of traffic to be restored in their terminal to allow them to meet obligations. Council Members Galloway, Wiseman and Berry absent.

Council Member Green moved that the rules be suspended for the purpose of extending time for Ms. Niki Smith Evans to speak, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Galloway, Wiseman and Berry absent. MOTION 2004-0069 ADOPTED

Ms. Evans stated that they were seeking the same extension of their contract that was given to CA1 Services. Upon questions by Council Member Green, Ms. Evans stated that they were told a number of gates would be closed at a later date, but the number grew to over 50%, some were drop zones which had no traffic as it was all diverted to Terminals B & E; that they had ordered extra produce, etc., as they knew the Super Bowl was coming and they had lost much. Council Member Green stated that he would like a briefing from the Airport; and Mayor White stated that Mr. Randy Goodman with Aviation was on his way and he could speak with her and brief Council Member Green; that he did understand Ms. Evans request which was an extension equivalent to the amount of time she was unable to operate in the way the concession was granted; that they wanted the same extension as CA1 had received and she wanted immediate traffic relief. Council Members Galloway, Wiseman and Berry absent.

Upon questions by Council Member Edwards, Ms. Evans stated that Continental Airline had removed their flights from Terminal C and rerouted to Terminals B and E; that she was not sure what the contract said, but felt the City would have measures in place; that in the 6 days they had lost in excess of \$60,000. Council Members Galloway, Goldberg, Wiseman and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time to question Ms. Niki Smith Evans, seconded by Council Member Holm. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent. MOTION 2004-0070 ADOPTED

Upon questions by Council Member Quan, Ms. Evans stated that CA1 had a similar contract and it was extended; that she was a subcontractor to Entertainment One, Continental was not communicating with them, but Entertainment One had a meeting with Randy Goodman and they said they did not know the changes had taken place and would get back with them; that it began on January 6th. Council Member Quan stated that he would like a briefing as well. Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent.

Council Member Holm stated that she would also like a briefing. Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent.

Council Member Edwards stated that she would like to speak with Entertainment One to see if they had notification and speak with Ms. Foxhall from Continental; and Mayor White stated that they were both reasonable requests and he would ask his staff to make sure there was a briefing by Aviation which would include the appropriate representative of Continental Airlines. Council Members Galloway, Goldberg, Wiseman, Ellis and Berry absent.

Ms. Candace Brooks, 11403 M.L.K. Blvd., Houston, Texas 77048 (817-681-6999)

appeared and stated that she was president of Harlan's Barbecue and speaking on the same issue; that Ms. Chris King, president of Entertainment One, was present today also and she had not heard her name but wanted to be sure she could speak; that their issues were the gates being moved to E and several others being closed; that a lot of concessionaires were going through a lot financially as there were no sales and they still had rent to pay and notes to make. Council Members Goldberg, Wiseman, Ellis and Berry absent.

Mayor White asked the City Secretary to call the roll of those addressing the issue; and the City Secretary stated it would be Ms. Chris King, Mr. Mark Burns and Mr. Maury Hecht. Mayor White stated that they would have an opportunity to address Council. Council Members Goldberg, Wiseman, Ellis and Berry absent.

Council Member Garcia stated that if there were any others present who had not reserved time to speak to stand to be recognized; and there were no others. Council Members Goldberg, Wiseman, Ellis and Berry absent.

Ms. Brenda Flores, 2041 Marnel Road, Houston, Texas 77055 (713-722-9258) appeared and stated that she liked Mayor White's new commercials, but he had campaigned for 18 months and the people voted him in, but she had been upset with his manner when he asked a speaker to leave what she was reading from and he would see it was distributed instead of allowing her to finish and when he asked that because of the presentation cutting into time that speakers be allowed one minute to speak; that she also did not like the way Council Members talked to others and on the phone during the speakers time; and continued expressing her personal opinions until her time expired. Council Members Wiseman, Ellis and Berry absent.

Council Member Lawrence moved that the rules be suspended for the purpose of extending time to Ms. Brenda Flores, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman, Ellis and Berry absent. MOTION 2004-0071 ADOPTED

Council Member Edwards stated that Ms. Flores had been a watch person a longtime and she would like to thank her. Council Members Wiseman, Ellis and Berry absent.

Mayor White stated that Ms. Flores made very sound points and the issue of last week deserved reflection, there was a circumstance where they compressed two meetings into one but he thanked her for bringing it up as a reminder. Council Members Wiseman, Ellis and Berry absent.

Ms. Erica Charlton, 2832 W. Wildwind, The Woodlands, Texas 77380 (936-349-3047) appeared at the podium; and Council Member Green stated that Ms. Charlton was the newly elected Miss Houston and she wanted to introduce herself. A lady appeared and stated that she was honored to have Ms. Charlton serve on her advisory board for the disabled and wanted to also introduce her. Ms. Charlton thanked the Mayor and Council for letting her appear today and stated that she was preparing to compete in the Miss Texas Pageant this summer and was proud to be representing the City of Houston; that her platform was reaching the underprivileged through the arts and she offered herself to the City as a representative of Houston and offered her help to the community. Mayor White thanked Ms. Charlton for coming and stated that he appreciated her being present. Council Members Galloway, Edwards, Wiseman, Ellis and Berry absent.

Council Member Garcia congratulated Ms. Charlton and thanked her for representing Houston so graciously. Council Members Galloway, Wiseman, Alvarado and Berry absent.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Ms. Chris King, Mr. Mark Burns and Mr. Maury Hecht out of order, seconded by Council Member Sekula Gibbs. Council Members Galloway, Wiseman, Alvarado and Berry absent.

Mayor White stated that he thought it might be beneficial for all to have the representative of Aviation present when the speakers came up; and asked if Council Member Edwards would withdraw her motion at this time, which she did. Council Members Galloway, Wiseman, Alvarado and Berry absent.

Ms. Deborah Elaine Allen, 1122 Sol Street, Houston, Texas 77029 (713-649-8358) appeared and stated that she had been in politics 23 years and people were taking solutions out of her speeches and not paying her for them; and continued expressing her personal opinions until her time expired. Council Members Wiseman, Alvarado, Sekula-Gibbs and Berry absent.

Mrs. Sally Shipman, 1905 Swift, Houston, Texas 77030 (713-520-8221) appeared, presented information and stated that she was Regional Coordinator of the Southwestern States United States Inter Agency Council on Homelessness and with her was Mr. Dick Wilson the Houston Office Director of the United States Department of Housing and Urban Development; that the Inter Agency Council recognized that homelessness was a national problem with local solutions and asked cities and states develop plans to end chronic homelessness within 10 years; that all 50 states announced a plan in process to end chronic homelessness as had 5 of the nations largest cities and last year the US Inter Agency Council awarded grants to assist and more were anticipated and cities with a plan provided a tool to compete for the grants; and urged the Mayor and Council to adopt a resolution supporting a strategic plan to end chronic homelessness in Houston and she would be happy to assist. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Council Member Quan stated that he had been in discussion with Ms. Shipman and knew it was something the City should do; that the committee had their assignments and felt they seriously wanted to develop a program that would address that concern. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Council Member Khan stated that Council Member Quan said what he wanted to say; and upon questions, Ms. Shipman stated that they had been working on the homeless situation during Super Bowl since last summer and there was discussion about a pilot program to support them but she was not sure what had come of it; that their concern was their agencies did not have a competitive edge in getting federal grants until Council passed a resolution as the other cities had. Council Member Khan stated that many homeless were veterans and no one was homeless because of choice and he applauded their work and was sure Mayor White would be looking into this. Council Members Galloway, Wiseman, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that he knew this was in Council Member Quan's committee and he would like to make himself available; that with so much being done to the Downtown area it was creeping into other areas and this was very competitive with other cities and he would ask Mayor White to make sure the agency had Houston's obvious support to pursue such funding. Council Members Galloway, Wiseman, Sekula-Gibbs and Berry absent.

Council Member Alvarado stated that she too wanted to lend her support and in taking it further the City had been missing opportunities; and upon questions, Ms. Shipman stated that the last census was in 1996 and they needed an update and there were two issues, one being the chronically homeless, those living in the streets, and families and individuals who were homeless for over a period of one year. Council Members Galloway, Wiseman, Sekula-Gibbs and Berry absent.

Council Member Green moved that the rules be suspended for the purpose of extending time to question Ms. Sally Shipman, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman and Berry absent. MOTION 2004-0072 ADOPTED

Council Member Alvarado stated that she would like to visit with Ms. Shipman and see specific examples of long-term plans the cities had implemented; and Ms. Shipman stated that they were on an Inter Agency Council web site and she would be happy to provide that to them and to work with the committee. Council Members Galloway, Goldberg, Wiseman and Berry absent.

Upon questions by Council Member Edwards, Ms. Shipman stated that the HUD definition of chronic homelessness was an individual who had been homeless for more than a year or who had experienced episodes of homelessness for more than three times over a three year period, there was no age, gender, etc., in the definition; that health was a big part of it and other cities had looked at homelessness as a need for more than house and shelter, there was a need for healthcare and teams of physicians had to be actively involved and there were a lot of opportunities for federal money but you had to have a strategy to compete, ideally you would have a plan in place, but since you could not get one right away if she were applying for a grant she would say the city was in the process and place in it areas identified. Council Member Edwards stated that on the numbers figure she would like a number on homeless youth; and Ms. Shipman stated that she could not give current information, but the 10,000 number was done from a study in 1989 and it was upgraded in 1996 and they came up with 9,986 roughly, but chronically homeless was much less. Council Members Galloway, Goldberg, Ellis, Sekula-Gibbs and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time to question Ms. Sally Shipman, seconded by Council Member Holm. All voting aye. Nays none. Council Members Galloway, Goldberg, Ellis, Sekula-Gibbs and Berry absent. MOTION 2004-0073 ADOPTED

Council Member Holm stated that she was a member of Council Member Quan's committee and was very excited about the opportunity; that they did need a strategy and plan and she appreciated her commitment to help. Council Members Galloway, Goldberg, Ellis, Sekula-Gibbs and Berry absent.

Mayor White stated that Council Member Quan had stated his committee was ready to act promptly on this and certainly it was a resolution Council Members would support and they wanted to assist all organizations in the process. Council Member Quan stated that he had approached others about doing this on a pro bono basis but had difficulties, but they would be looking at community resources and various organizations had approached him about this and he was checking for an appropriate date and it would be acted on quickly. Mayor White stated that one issue they were spending time on was how they organized city government to be most effective in trying to apply for grants which involved subject areas that would transcend one city department, to have some person with deep expertise in the federal process and who could be effective in many different dimensions in dealing with grant issues and this was one particular issue which brought that to mind. Council Members Galloway, Goldberg, Ellis, and Berry absent.

Mayor White stated that the representative from Aviation was now present and Council Member Edwards had a motion. Council Member Edwards moved that the rules be suspended for the purpose of hearing from Ms. Chris King, Mr. Mark Burns and Mr. Maury Hecht at this time, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Galloway, Goldberg, Ellis and Berry absent. MOTION 2004-0074 ADOPTED

Ms. Chris King, P. O. Box 60496, Houston, Texas 77205 (281-233-7625) appeared and stated that she was president of Entertainment One and was present to share the hardships Council had already heard of; that they managed 28 concessions which were small business owners and unlike 9/11 which they had no control of, this situation was unique because it was a calculated and premeditated decision and caused a tailspin of events and tenants had lost 25% to 57% per location calculating from \$60,000 to \$100,000 per location and when they lost the

city lost their percentage also; that January 15th was Super Bowl kickoff and that day 5 additional gates were closed in Terminal C. Council Members Galloway, Goldberg, Quan and Berry absent.

Council Member Green moved that the rules be suspended for the purpose of extending time for Ms. Chris King, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Galloway, Goldberg, Quan and Berry absent. MOTION 2004-0075 ADOPTED

Ms. King stated that traffic was rerouted past them and their concessions were driving up; that they were asking for adequate flights to return to Terminal C so they could survive the construction and renovation and that they be notified of any flight diversions and that they be offered the same extension CA1 was offered. Council Members Galloway, Goldberg, Quan and Berry absent.

Council Member Edwards moved that the rules be suspended for the purpose of hearing from the representative of the Airport, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Quan and Berry absent. MOTION 2004-0076 ADOPTED

Mayor White stated that he would ask Mr. Goodman to note what he was about to say; that as soon as they learned of this situation Mr. Hall, at his request, had been making certain inquiries that he would delve in further with with the Director of Aviation; that there were questions based on what he learned about the conduct of Continental Airlines in this matter; and upon questions, Mr. Goodman stated that Continental owned and operated the vending establishments in Terminal E and the City's percentage of the revenue was none. Council Members Galloway, Goldberg, Quan and Berry absent.

Upon questions by Council Member Edwards, Ms. King stated that she was with Entertainment One and there was no wording in the contract regarding notification of changes or renovations. Upon further questions by Council Member Edwards, Mr. Goodman stated that the renovation program for Terminal C they were aware of, but there were several issues directing traffic from Terminal C right now; that typically in January and February the traffic decreased, but in addition to that one of the fingers in Terminal C was closed off completely for renovation which was phased and Entertainment One was aware of it, but also was the flights being reverted from C to E; that once the gates were renovated they would be reopened, but reducing their rental rates had not been discussed; that in Terminal E the concessions were run by Continental and the City received no money; that from what he understood it was a ground lease Continental had with the City, they built the terminal and in order to recoup their expense they maintained the concessions. Council Members Quan and Berry absent.

Mayor White stated that this was a matter in which he and Mr. Hall would be discussing with the Director of Aviation; and Council Member Edwards stated that it may be legal but ethically it stunk.

Upon questions by Council Member Garcia, Ms. King stated that Entertainment One was the managing agent, the master concession there and they had a percentage of DBEs that were their subtenant of which they had to meet a requirement and did; that January 15<sup>th</sup> Gates 29-33 were shut down and one unit had staffed for 14 employees, but those employees had to be rerouted with half being laid off and perishable items were a food waste and other items ordered had to be returned.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for questioning Ms. King and Mr. Goodman, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0077 ADOPTED

Ms. King further stated that she was in Terminal C last night and had to get out of the way while people hurried past to Terminal E and about 7:45 p.m. they started breaking down and cleaning up the areas when normally they would stay open until 8:00 p.m. to midnight.

Upon questions by Council Member Garcia, Mr. Goodman stated that the construction was phasing, unfortunately they had not reached the point of working with E1 where they would be able to shut down and remodel at the same time and in addition to the construction they were hit by changes in other flight patterns and it was a big hit. Upon further questions by Council Member Garcia, Ms. King stated that they only found out about the drop zones, the extra gates Continental had closed, by the ticket agents and customer service Continental employees.

Upon questions by Mayor White, Mr. Goodman stated that he was not completely sure when Aviation was notified about the drop zones; that he heard about it from the concessionaires who heard from the ticketing agents and it did go into effect on the 16th.

Council Member Garcia stated that it was ironic they just heard about homelessness from Ms. Shipman and now here were folks that lost jobs and may be apart of that statistic.

Upon questions by Council Member Khan, Mr. Goodman stated that Ms. King's subtenants were about 5 or 6 operators where over 50% were DBE certified and drastically impacted, but he had no numbers; that they also had a retail package just going in this January and would also be impacted in Terminal C.

Council Member Green moved that the rules be suspended for the purpose of extending time for questioning Ms. King and Mr. Goodman, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0078 ADOPTED

Council Member Khan stated that he would request Mayor White look into the matter regarding the economic impact, how many people were affected; that small businesses did not have the luxury of closing down and it was a serious matter; that they could see the sentiments around the table and the Mayor was already checking and hopefully they would have some information and a resolution to their plight. Council Members Edwards and Garcia absent.

Council Member Galloway stated that she would like the Mayor to find out how this came about and why a process was not followed when the terminals were to be closed down to know what type of affect it would cause; that it reminded her of the rail project and the suffering of those businesses; that she concurred there needed to be an investigation and a report on the various steps and what could be done to assist; that they had contracted with others in Terminal E, but maybe if they had know this was going to happen they could have maybe moved the ones they already had contracts with to Terminal E temporarily instead of having them closed down; that there were other creative ways to do this; and she was excited about Continental expanding but would like to find other creative ways to help and rectify and thanked Mayor White for looking into it. Council Member Garcia absent.

Council Member Holm stated that she knew Mayor White was looking into this; and upon questions Mr. Goodman stated that the remodeling of Terminal C was an airport project with Continental as the project manager; that they were aware of the construction, but not the drop zones which was a whole other finger being closed.

Council Member Green moved that the rules be suspended for the purpose of extending time for questioning Ms. King and Mr. Goodman, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2004-0079 ADOPTED

Council Member Green stated that his concern was as a City they had contracted with Entertainment One and they were expected to pay the City a certain amount of money; that he

would ask Legal to look into what sort of liability it placed the city at, as for as breach may be concerned, and they needed to take it further and look at other concession contracts where the City would have to hold up their end of the bargain and more specifically how the airlines affected the City's ability to contract as it seemed they were all at the mercy of one airline; that in addition to this contract he would ask Legal to look into the new contract at Terminal E as well and see if there was a process by which they could amend the contract; and Mayor White stated that his point was well taken.

Council Member Sekula-Gibbs stated that she believed some of the information relating to the schedule of closure and improvements on Terminal C was actually presented in August of last year when the retail concession came to Council and she believed it was discussed and determined by Aviation and Continental and laid out, so the timetable was known. Council Members Holm, Ellis and Green absent.

After a lengthily discussion, Mayor White stated that he understood from Mr. Goodman there were schedules known for the construction, but not for the drop zones; that they had request for briefing and would also have meetings where he would ask Mr. Hall to take on certain assignments based on what they heard today and then they needed to decide as a body whether further action may be appropriate. Council Members Holm, Ellis, Sekula-Gibbs and Green absent.

Mr. Mark Burns, 6220 W. Park, Houston, Texas 77057 (713-995-4040) appeared and stated that he was owner of Popcorn Express and they had experienced drastic reduction in sales, 48%, due to the unexpected movement of flights to Terminal E and they expected another 25% in the future if something was not done; that with the Super Bowl coming they were asked to staff up and stock up and they did, but now they needed help; that they would like a reasonable amount of traffic restored to Terminal C, compensation for the lost sales and extension of their contract. Council Members Wiseman, Holm, Ellis and Sekula-Gibbs absent.

Mr. Maury Hecht, 3700 Terminal Road, Houston, Texas 77032 (713-724-3719) appeared and stated that he was president of Investors Group One, Incorporated and a subtenant of Entertainment One in Terminal C and they had a 50% plus drop in sales since January 15th; that as a small business owner they made plans based on the construction schedule and they projected sales loss, but they did not expect the magnitude they had which was caused by implementation of the drop zone; that they planned for one wing to close, when there was actually two wings closed. Council Members Wiseman, Holm, Ellis, Quan and Sekula-Gibbs absent.

Mr. Ralph Licon, 6 Burrell #210, Houston, Texas 77022 (713-692-8288) appeared, presented information to Mr. Cantu and stated that he had been trying to contact Mayor White about issues left from Mayor Lanier and Mayor Brown's administrations; that he was injured on the job with the City of Houston, Health Department, Animal Regulation and Care; that he was receiving treatment, but now for over a year he was not getting treated and other issues had surfaced because of that injury and he did not know how much to go into this, but wanted to address the Workman's Comp issue and denial of medical treatment. Council Members Wiseman, Holm, Ellis, Quan and Sekula-Gibbs absent.

Mayor White stated that he would make sure he received a response to his questions. Council Members Edwards, Wiseman, Holm, Ellis, Quan and Sekula-Gibbs absent.

Upon questions by Council Member Garcia, Mr. Licon stated that he was injured on the job in December 1992 and his benefits were now exhausted. Council Members Edwards, Wiseman, Holm and Ellis absent.

Mr. Phillip Andrade, 104 Burrell, Houston, Texas 77022 (713-691-4230) had reserved time to speak but was not present when his name was called. Council Members Galloway,

Wiseman, Holm and Ellis absent.

Ms. Alice Craft, 1706 McDaniel, Houston, Texas 77093 (281-440-0461) appeared and stated that she had lived in Houston 52 years and raised two children working for 35 years, but for the last two years had not been able to locate any work; that she had checked into all available agencies to help with utilities but they were all off and she was present as she needed help with her utilities and trying to find work as she did not want to lose her home. Mayor White, Council Members Galloway, Wiseman, Holm and Ellis absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Green, Ms. Craft stated that she went to the City for grants and was told if she could get \$207.00 toward her lights she would pay \$75.00 and she had sent out over 1,000 resumes. Council Member Green stated that someone from his office would get her information before she left today. Mayor White, Council Members Galloway, Wiseman, Holm and Ellis absent. Mayor Pro Tem Alvarado presiding.

Vice Mayor Pro Tem Alvarado stated that after Ms. Craft met with Council Member Green's office she could visit with Mr. Cantu from the Citizens Assistance Office, perhaps they knew of other resources she could approach. Mayor White, Council Members Galloway, Wiseman, Holm and Ellis absent. Mayor Pro Tem Alvarado presiding.

Ms. Desha Simpson, 9701 Meyer Forest #5301, Houston, Texas 77096 (713-721-1346) appeared and stated that her issue was with HPD; that her vehicle was stolen on December 20, 2002, and recovered January 29, 2003 and she was not notified and had filed a complaint in October knowing the same thing had happened to a friend of hers; that HPD contacted her later that week saying they were not responsible for every vehicle stolen and she was quoting Mr. Richards who had contacted her, he said HPD did not have time to sit around calling every person whose car was stolen and that was unacceptable; that he had referred her to Legal who sent back correspondence saying the City was not liable for certain situations and that was unacceptable. Mayor White, Council Members Galloway, Wiseman and Holm absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Quan, Ms. Simpson stated that she called HPD because her friend had a car stolen in October and after she called she was told they found it two days ago and told her how much to get it out, but her car was found and auctioned off; that when her car was stolen she gave them the correct information and checked daily and the last time she checked an officer said she might as well give it up and that was a week before it was located; that she had moved here from Louisiana and her insurance dropped her because she needed Texas insurance but she could not obtain a drivers license to get tags as her Louisiana drivers license and social security card was not the proper ID. Council Member Quan asked that the Administration check into the situation. Mayor White, Council Members Galloway, Wiseman and Holm absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards asked if anyone was present with HPD to speak with her; and Vice Mayor Pro Tem Alvarado stated that Chief Oettmeier would speak with her after Council Members finished their questions. Mayor White, Council Members Galloway, Wiseman and Holm absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Garcia, Ms. Simpson stated that her car was stolen December 20, 2002, and recovered January 29, 2003, but she became aware on the recovery on October 5, 2003, after calling again. Mayor White, Council Members Galloway, Edwards, Wiseman and Holm absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for questioning Ms. Desha Simpson, seconded by Council Member Green. All voting aye. Nays none. Mayor White, Council Members Galloway, Edwards, Holm and Sekula-Gibbs

absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0079A ADOPTED

Upon further questions by Council Member Garcia, Ms. Simpson stated that she provided all her Houston information and the car was in her and her father's name and his address remained constant, but they were not notified. Mayor White, Council Members Galloway, Edwards, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that if there were many falling through the cracks and not getting notified it may be something they could take up in a Regulatory Affairs Committee, investigate and correct; and Mayor Pro Tem Alvarado stated that she thought that would be the appropriate avenue to visit that issue; and stated that Assistant Chief Oettmeier was present and would visit with Ms. Simpson at this time.

Mr. Roland Curry, 5519 1/2 Caplin, Houston, Texas 77026 (713-633-3829) appeared, welcomed Mayor White and the new Council Members and stated that he was from the Creole Shack Café and he had a car stolen since October and they finally listed it as stolen about two weeks ago and they knew who the thief was but would not list him that way and there was a big problem in Auto Theft but he came to speak about the NFL; that he had officers from the Criminal Intelligent Division come to his restaurant and accuse him of threatening the NFL because he was on a crusade to see that minorities got their fare share of the money and he had a very large restaurant and did not have one booking from the NFL or anyone in the community. Council Members Galloway and Edwards absent.

Council Member Green moved that the rules be suspended for the purpose of extending time for Mr. Roland Curry to speak, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Galloway and Edwards absent. MOTION 2004-0080 ADOPTED

Mr. Curry further stated that he chose to come back and live in the city and build a million dollar facility and thought it should be looked into and see that the money was filtered down. Council Members Edwards, Khan and Sekula-Gibbs absent.

Council Member Garcia stated that when the Super Bowl was being planned there were workshops on doing business with the NFL; and upon questions, Mr. Curry stated that he was not notified, but he had sent information and photos to the NFL Host Committee. Council Members Edwards, Khan and Sekula-Gibbs absent.

Council Member Berry moved that the rules be suspended for the purpose of extending time to question Mr. Roland Curry, seconded by Council Member Holm. All voting aye. Nays none. Council Members Edwards and Khan absent. MOTION 2004-0081 ADOPTED

Council Member Berry stated that a couple of business he went to were doing so much business they could not keep up and he did not know why except he did know they were constantly hounding the Convention and Visitors Bureau and he wondered where he had been reaching out; and Mr. Curry stated that he had contact with Mr. Tollett, but it seemed the Host Committee had dropped the ball. Council Member Berry stated that the few he had seen were doing very well, it was not contracts but private individuals and he did wish him the best of luck; and Mr. Curry stated that if he did not hear from someone as to why they came to his business accusing him of threatening the NFL he would follow-up with legal work. Council Members Galloway and Edwards absent.

Mr. Andy Clyde Wiltshire, 12210 Wood Bayou Drive, Houston, Texas 77013 (713-455-8875) appeared and stated that he was proposing billions be made by the City of Houston by keeping the Astrodome and turning it into castles with adult casinos and pro-sport playgrounds; that a city in Nevada had working girls which made \$70,000 a month, but girls could come in from poor places and be a working girl; and continued expressing his personal opinions until his time expired. Council Members Galloway, Edwards and Berry absent.

Mayor White stated that the county controlled the Astrodome complex and he was sure they would like to hear his point of view. Council Members Galloway, Edwards and Berry absent.

Ms. Jeanetta Mailey, 6801 Ardmore, Houston, Texas 77054 (832-457-8933) appeared and stated that she was 53 years old educated with a year of college, skilled and a homeless woman; that today she would be leaving the Star of Hope Shelter and going back to living in her vehicle because even though she placed applications almost everywhere she had still not received work; that she went through a program called Search and graduated and heard HUD would subsidize housing while she looked for work or for a certain period of time, but that had not yet happened; that she was present because she not only needed employment but a place to live; that homelessness was an epidemic growing like an out of control forest fire and the homeless were not just those addicted but others like her who had worked all their lives, raised children, etc., and now were in predicaments and something had to be done other than talk; that each Council Member had people who backed them and she was asking that they get in touch with those people and let them know a woman came today who needed employment and a place to live. Council Members Galloway, Edwards and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Ms. Jeanetta Mailey to speak, seconded by Council Member Holm. All voting aye. Nays none. Council Members Galloway, Edwards and Berry absent. MOTION 2004-0082 ADOPTED

Ms. Mailey further stated that she wanted to be able to go home and eat and sleep and have grandchildren over and she could not believe there was not enough money in this city to do something about those on the street and was pleading for something to be done. Council Members Galloway, Edwards and Berry absent.

Council Member Holm stated that it may be an issue that hadn't been addressed by the City appropriately but she had her and many Council Members commitment that it would be. Council Members Galloway, Edwards and Berry absent.

Council Member Quan stated that he just returned from Washington trying to get funds increased for housing and Section 8 grants; that there were 27,000 waiting in line and would have 60,000 if they had not cut off the list; that they were also trying to get funds through private sources as well and they would be doing their best through the Housing Committee and City Council, but they needed help at every level of government. Council Members Galloway, Edwards and Berry absent.

Mayor White stated that Mr. Kevin Davis with the Housing and community Development Department was present and he would like him to meet with her and then report back to him; that he did want to help and needed to figure out what tools were needed, but Mr. Davis would meet with her after Council finished with their questions. Council Members Galloway, Edwards and Berry absent.

Council Member Green stated that he wanted Mr. Davis to meet with her, but he would also like Ms. Mailer to give his staff member her information so they could also help follow-through with this as well. Council Members Galloway, Edwards and Berry absent.

Ms. Barbara Settle, 22 South Windom Drive, Houston, Texas 77056 (713-963-8990) appeared, presented pictures and stated that she had lived at her present location since 1966 and never had flooding before, but as they could see in her pictures her backyard had been turned into a retention pond and her front yard also overflowed as a bulkhead was created by scheme and design on both sides of a ditch which never existed until about 1993 when the area began to be redeveloped; that eight patio homes had been built next-door and the picture of the

culvert in front was what did exist to drain ditches before the redevelopment started. Council Members Galloway, Edwards and Berry absent.

Council Member Holm moved that the rules be suspended for the purpose of extending time for Ms. Barbara Settle to speak, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Edwards, Garcia and Berry absent. MOTION 2004-0083 ADOPTED

Ms. Settle stated that she would be happy to answer any questions about the photographs; that she did have now a blockade on both sides of her because City Planning apparently did not issue permits for driveways and one developer put a culvert over his but higher than the ditch in front of her and she was never without water or mosquitoes; that drainage and ditches were under Public Works Street Maintenance and culverts were under Planning. Council Members Galloway, Edwards and Berry absent.

Council Member Holm stated that she was her District Council Member and neighbor and if she would call them they would help and be proactive in channeling her concerns. Council Members Galloway, Edwards and Berry absent.

Council Member Garcia stated that after the election he and Mayor White sat and discussed priorities and those issues were high on the list and this was another testament as to why. Council Members Galloway, Edwards and Berry absent.

Mayor White stated that representatives from both departments were present, Mr. Fiederlein and Ms. Hargrove, and after her call to 311 in November he believed the ditch was regraded and wondered if that had any impact; and Ms. Settle stated that it was never regraded, but they did go around the corner and dig across Huntley Drive and there was no water there. Mayor White stated that there was an issue investigated with anticipation of this concerning the driveway and compliance of permitting rules at the townhome project; and Ms. Settle stated that she did have confidence in this Administration and knew it would be moved forward. Council Members Galloway, Edwards and Berry absent.

Mr. Andre Ford, 10603 Owslow, Houston, Texas 77016 (713-631-3271) appeared and stated that he was a recent college graduate and the City of Houston was an example of the American Dream; that as one generation passed the succeeding generation must be prepared to assume the privilege of running the government and he was disappointed and shocked that Houston did not have an organized and centralized fellowship program for students or recent college graduates; that he heard it was because of lack of funding to Council Members budgets yet when offered an opportunity to accept a \$12,000 pay raise they said they lacked resources and he strongly suggested Council Members ask their campaign donors to donate funding for those students and Council Members match the funding. Mayor White, Council Members Galloway, Edwards, Holm, Ellis and Berry absent.

Council Member Green moved that the rules be suspended for the purpose of extending time for Mr. Andre Ford to speak, seconded by Council Member Garcia. All voting aye. Nays none. Mayor White, Council Members Galloway, Edwards, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0084 ADOPTED

Mr. Ford stated that the more the generation was educated on issues the more prepared they would be to take issues on in the future and the student would allow the Council Members staff to pursue more urgent issues concerning citizens; and urged Mayor White and Council Members to make a concentrated effort to establish a centralized fellowship program. Mayor White, Council Members Galloway, Edwards, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Green thanked Mr. Ford for coming and stated that many Council

Members did have students in their office but they came from other intern programs and asked him to meet with his office and help them devise a plan with some information from the Wagner Program; and Mr. Ford stated that would be great. Mayor White, Council Members Galloway, Edwards, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Garcia, Mr. Ford stated that he had a clear understanding and knew services were cut, but for one fellow-ship student for a three – five month term it would be \$3,000 and if the Council Member came up with \$1,500 he could ask someone to match another \$1,500 and surely a Council Member could come up with that. Council Member Garcia stated that he would agree and suggested he contact Senator Ellis's office as the frame work had already been setup through his office. Mayor White, Council Members Galloway, Goldberg, Edwards, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that he too had an intern and possibly it was something the Pro Tem's Office could look into; and Mayor Pro Tem Alvarado stated that they would be happy to facilitate that. Mayor White, Council Members Galloway, Goldberg, Edwards, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Gene Oliver, 2646 Loganberry Circle, Seabrook, Texas 77586 (832-534-3938) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Goldberg, Edwards, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Mack Hickerson, 704 East Pasadena, Pasadena, Texas 77506 (713-534-8185) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Goldberg, Edwards, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Ken Dearing, 2507 Oleander, Pasadena, Texas 77503 (281-998-044) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Goldberg, Edwards, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Ronnie Larson, 14 Quail Wood, Baytown, Texas 77521 (281-421-7807) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Goldberg, Edwards, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Paul Duplechain, 909 Fannin #2350, Houston, Texas 77010 (713-228-4600) appeared and stated that he was present requesting assistance in getting a liquor license expedited at 505 Main; that they were initially denied last year for being too close to Christ Church Cathedral, they wrote to the city and he understood the denial was being reconsidered but as yet they had no official recognition and asked again for assistance. Council Members Galloway, Goldberg, Edwards, Holm and Berry absent.

Council Member Alvarado stated that she had been working on this and met with Ms. Sara Culbreth yesterday and understood the permit would be granted; and Mr. Duplechain stated they needed the letter from the city to go to the Texas Alcohol Beverage Commission. Council Member Alvarado stated that she understood it was handled and called on Mr. Bibler for comments. Mr. Bibler stated that there was an unfortunate mistake by City staff where they asked the school how many students they had and were told over 100, but did not realize most were preschool and under state law they only qualify for protection if they have 100 students in K - 12th grade, but the mistake was corrected and as far as he knew there was no other disqualification for that site and a statement should be being issued to Ms. Russell who was the person to certify his application for the TABC. Council Members Galloway, Goldberg, Edwards,

Holm and Berry absent.

Mr. Julio Fajardo, 8217 Cowart, Houston, Texas 77029 (713-774-9432) appeared and stated that he was vice president of the Port of Houston Civic Club for 23 years and was present for the children; that they were introduced into gang activity and they needed more police patrol with robberies, cantinas, prostitution, etc. and they needed a community center. Council Members Galloway, Goldberg, Edwards, Holm and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Mr. Julio Fajardo to speak, seconded by Council Member Green. All voting aye. Nays none. Council Members Galloway, Goldberg, Edwards, Holm and Berry absent. MOTION 2004-0085 ADOPTED

Council Member Alvarado thanked Mr. Fajardo for coming and stated that it was a very isolated community surrounded by the Port industry and numerous cantinas; that she and representative Joe Moreno had personally been on the inspections and she had protested an establishment and encouraged him to visit with representatives of HPD and for him to encourage neighbors to call in on establishments; that they had been able to shut down several cantinas based on calls; and Mr. Fajardo stated that when closed it would just reopen. Council Member Alvarado stated that Mr. Fajardo brought up a good point, there was a loophole where when shut down the same person owning it would have it reopened in another name and that did need to be closed; and Mr. Fajardo invited Council Member Alvarado to the neighborhood and to their meetings. Council Members Galloway, Goldberg, Edwards, Holm, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that he had worked on issues in the area when he was an officer and on specifically the gang issues and a couple of matters related to it he would encourage Mayor White to have his Anti-Gang Office respond; that he could not emphasize Mr. Fajardo's and Council Member Alvarado's comments enough; that it was basically a sailor town with a neighborhood in the middle. Council Members Galloway, Goldberg, Edwards, Holm, Sekula-Gibbs and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time relating to Mr. Julio Fajardo, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Edwards, Holm, Sekula-Gibbs and Berry absent. MOTION 2004-0086 ADOPTED

Mayor White stated that this was a serious issue in a lot of neighborhoods and he had explored some legal means which may exist; that as far as he was concerned he wanted to do everything within the law to shut down some public nuisances in neighborhoods; that he was informed there was an overlay of rules and regulations where the abilities of cities were limited to keep neighborhoods safe and he did not like that, but that was a matter for the Legislative Agenda; that in the mean time he had worked with people in Legal to determine on at least one part of the issue of what could be done and that dealt with facilities providing entertainment in connection with food or beverages that may keep open after 2:00 a.m. and it was a waste of money to send police out and he would ask Mr. Garcia and his committee and other Council Members to look into this and see what could be done to address the issue within the law until changes come within the legislature and he would have his full support; and Council Member Garcia stated that part of the concern he thought they were facing was he felt they were giving out permits just because they could and he was looking at a moratorium on the permits in a concentrated area and would get with Mr. Bibler on that. Council Members Galloway, Goldberg, Edwards, Holm, Sekula-Gibbs and Berry absent.

Mayor White called on Mr. Bibler who stated that if there were any private schools in the area, including Catholic Schools, which had 100 students in K – 12th grade they could create a 1,000-foot zone around it if asked for. Mayor White stated that if Council Member Garcia and

Legal wanted to act expeditiously it was fine with him and they could get it on the Agenda as soon as possible. Council Members Galloway, Goldberg, Edwards, Holm, Sekula-Gibbs and Berry absent.

Minister Joe Angel Lopez, 2000 Carlton Parc #7, Houston, Texas 77063 (281-435-0779) appeared and stated that he was present with a horrendous and dangerous situation regarding Union Pacific Railroad and inner-city residents on Lorraine Street and Quitman Street; that according to federal law 10 minutes was the time set for trains to sit on any railroad crossings, but they had three railroad tracks at 2000 Lorraine Street and cars went over the limit by even 30 minutes sometimes and children and adults jumped over and went under the rail cars. Council Members Galloway, Goldberg, Edwards, Holm, Sekula-Gibbs and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Mr. Joe Angel Lopez to speak, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs and Berry absent. MOTION 2004-0087 ADOPTED.

Mr. Lopez stated that he lived in the Voss/San Felipe area and they wait for trains no longer than four minutes, but they have a dangerous situation where another set of tracks behind them is coming full speed and you have to pray not to get caught between them; that he knew others who had lost limbs because of trains and he was asking Council Members to get with DPS and Union Pacific and see what could be done. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that he knew it was an issue that affected Council Member Alvarado's District and it was a public safety issue on many fronts and he would be placing it on the Public Safety Committee to address. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time, seconded by Council Member Green. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent. No vote was recorded as a quorum was not present.

Upon questions by Mayor White, Mr. Bibler stated that there was a state law on the trains but he could not remember if it was five minutes or 10 minutes and he believed it required them to be stopped, but it was not a very helpful law because as long as they were creeping along it did not violate. Mayor White stated that also on the southside there were either mass hallucinations or trains parking, blocking and in violation; that there was a lot to do and if any Council Member wanted to take it and push the item on the Agenda it would be much appreciated. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Mr. Joe Angel Lopez to speak, seconded by Council Member Green. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that it had a huge loophole and he would ask the Mayor to store it with his Legislative priorities; and Mayor White stated that he appreciated the comments and he had discussions with state and federal officials about freight bypasses and it could not be done overnight, but it was something of high priority. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway,

Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and expressed his personal opinions until his time expired. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent.

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and expressed his personal opinions stating that Mayor White must take a leading position for zero tolerance on illegal activity at City Hall and wondered about the Super Bowl free tickets. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent.

At 4:56 p.m. the City Council recessed until 9:00 a.m., Wednesday, January 28, 2004. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent.

City Council Chamber, City Hall, Wednesday, January 28, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 14, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims 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. and Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office, Ms. Sara Culbreth, Deputy Chief Administrative Officer, Mayor's Office; Ms. Susan Taylor, Acting City Attorney and Ms. Marty Stein, Agenda Director, present.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:09 Mayor White reconvened the meeting of the City Council. Council Members Goldberg, Wiseman, Holm, Garcia, Quan and Berry absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 20**

#### **MISCELLANEOUS** - NUMBERS 1 through 2

1. CONFIRMATION of the appointment of **MS. JUDY GRAY JOHNSON** as Director of the Finance & Administration Department – was presented, moved by Council Member Ellis, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Wiseman, Khan and Garcia absent. MOTION 2004-0088 ADOPTED.
2. RECOMMENDATION from Director Department of Planning & Development for the designation of five residential parking permit areas and related parking regulations in the Super Neighborhoods of University Place, Midtown and Neartown-Montrose - **DISTRICTSC - GOLDBERG and D - EDWARDS** – was presented, moved by Council Member Ellis, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Wiseman, Khan and Garcia absent. MOTION 2004-0089 ADOPTED.

#### **ACCEPT WORK** - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,511,283.83 and acceptance of work on contract with **RAMOS INDUSTRIES, INC** for Construction of 30-inch and 36-inch Water Main along

Campbell Road and Kempwood Drive from Hammerly Road to Clay Road, Contract 55A, GFS S-0900-75-3 (WA10648) - 01.47% under the original contract amount - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Ellis, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Wiseman, Khan and Garcia absent. MOTION 2004-0090 ADOPTED.

**PROPERTY** - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY3-015, located at 7213 Lyons Avenue, owned by Anderson Motors, Inc., Danny R. Platz, Director, for the **LYONS AVENUE PAVING PROJECT from Zindler Street to Port Street**, CIP N-0719-02-2 - \$50,667.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented, moved by Council Member Ellis, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Wiseman, Khan and Garcia absent. MOTION 2004-0091 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 8 and 18 out of order, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Wiseman, Khan and Garcia absent. MOTION 2004-0092 ADOPTED.

Mayor White stated that he wanted to recognize Ms. Judy Johnson who had one of the tougher jobs in the United States of America right now and had just been confirmed in that position, that they were glad to have her as part of that team. Council Members Wiseman, Khan and Garcia absent,

Ms. Johnson stated that she wanted to say thank you and was really looking forward to it, that Mayor White was right, that it was going to be a tough job, but there were certainly 15 Council Members that she knew were going to be working with her to make it a success. Council Members Wiseman, Khan and Garcia absent.

8. ORDINANCE approving and authorizing contract to reimburse **ALIEF INDEPENDENT SCHOOL DISTRICT, ANNUNCIATION ORTHODOX SCHOOL, FORT BEND INDEPENDENT SCHOOL DISTRICT, GALENA PARK INDEPENDENT SCHOOL DISTRICT, HOUSTON INDEPENDENT SCHOOL DISTRICT, KATY INDEPENDENT SCHOOL DISTRICT, NORTH FOREST INDEPENDENT SCHOOL DISTRICT, PASADENA INDEPENDENT SCHOOL DISTRICT, SPRING BRANCH INDEPENDENT SCHOOL DISTRICT, ST. JOHN'S SCHOOL, ST. VINCENT DE PAUL SCHOOL, ALDINE INDEPENDENT SCHOOL DISTRICT** and **CLEAR CREEK INDEPENDENT SCHOOL DISTRICT** and for payment of School Crossing Guards from the Child Safety Fund – was presented, and tagged by Council Member Edwards. Council Members Garcia and Quan absent.
18. ORDINANCE appropriating \$5,773.75 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract between the City of Houston and **GREATER INVESTMENT BUILDERS, INC** for Construction of Water Lines to serve development on Kilgore Street CIP S-0802-14 - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Edwards. Council Members Garcia and Quan absent.

Council Member Green moved to suspend the rules to remove Item No. 14 from the Consent Agenda for separate consideration, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Garcia and Quan absent. MOTION 2004-0093 ADOPTED.

**ORDINANCES** - NUMBERS 5 through 20

5. ORDINANCE establishing the east and west sides of the 2000 and 2200 Blocks of

Arlington Street and Cortlandt Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinance, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0065 ADOPTED.

6. ORDINANCE establishing the north and south sides of the 700 Block of Ralfallen Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinance, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0066 ADOPTED.
10. ORDINANCE appropriating \$960,000.00 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City of Houston and **EDWARDS AND KELCEY, INC** in connection with Taxiway H Rehabilitation at Ellington Field Project No. 614 CIP A-0493 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0067 ADOPTED.
11. ORDINANCE appropriating \$2,050,000.00 out of Airports Improvement Fund and appropriating \$250,000.00 out of Houston Airport System Consolidated 200 AMT Construction Fund as additional appropriations for professional consulting services Contract No. 53607 (authorized by Ordinance No. 02-0171) in connection with Information Technology Services for Houston Airport System by and between the City of Houston, Texas, and **DEREK CONSULTING GROUP, INC** providing a maximum contract amount - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0068 ADOPTED.
12. ORDINANCE approving and authorizing sponsorship agreement between the City and **COMMONWEALTH SQUARE HOMEOWNERS ASSOC., INC** for Garbage Collection Service for the respective civic association - 6 Months - \$3,024.00 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0069 ADOPTED.
13. ORDINANCE approving and authorizing sponsorship agreement between the City and **HUNTER COVE COMMUNITY ASSOCIATION, INC** for Garbage Collection Service for the respective civic association - 8 Months - \$192.00 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0070 ADOPTED.
15. ORDINANCE appropriating \$351,000.00 out of Fire Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **MORRIS ARCHITECTS, INC**, for Val Jahnke Fire Training Academy Burn Building and Drill Tower Renovation CIP C-0068-04-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0071 ADOPTED.
17. ORDINANCE appropriating \$7,192.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract between the City of Houston and **AGNAR NEILSEN** for Construction of Sanitary Sewer Lines to serve development on Colquitt Avenue CIP R-0802-15 - **DISTRICT G - HOLM** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Garcia and Quan absent.

20. ORDINANCE appropriating \$1,136,950.00 out of Public Library Consolidated Construction Fund for Materials for the John P. McGovern-Stella Link Branch Library CIP E-0022 - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0072 ADOPTED.

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

**ORDINANCES**

7. ORDINANCE approving and authorizing the Intersection Traffic Control Selective Traffic Enforcement Program Amendment, allocating additional Texas Department of Transportation funding to the program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief or the Acting Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0073 ADOPTED.
9. ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** (HCFCD) for the use of HCFCD's land adjacent and contiguous to Spurlock Park for Recreational Purposes - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0074 ADOPTED.
14. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOIST & CRANE SERVICE GROUP** for Repair, Inspection & Preventive Maintenance Services on Cranes & Overhead Hoists for Various Departments (as approved by Ordinance No. 99-210) – was presented, and tagged by Council Member Green. Council Members Garcia and Quan absent.
16. ORDINANCE appropriating \$446,638.55 out of Parks Consolidated Construction Fund 421, awarding construction contract to **GCC CONSTRUCTORS, INC** for Construction of Parks to Standard Program - Agnes Moffitt Pool Building Addition GFS F-504A-01-3; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0075 ADOPTED.
19. ORDINANCE appropriating \$1,483,000.00 out of the Water & Sewer System Consolidated Construction Fund, Fund No. 755, awarding contract to **C AND C SERVICES** for Water Line Replacement in Westbury East Subdivision, GFS S-0035-97-3 (WA10738); providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, Fund No. 755 **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Members Garcia and Quan absent. ORDINANCE 2004-0076 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 21 through 27

**MISCELLANEOUS**

21. RECEIVE nominations for Positions 4 and 5, for terms to expire December 31, 2004, Positions 6, 8 and 9, for terms to expire December 31, 2005, and the Chair, for a term to expire December 31, 2004 of the Board of Directors of **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)** – was presented.

Council Member Goldberg stated that he wanted to nominate Mr. Tim L. Myers for reappointment for Position 4, Ms. Arielle Lawon for Position 5, Mr. Stuart Kensinger for Position 6, Mr. Walter Goff for Position 8 and Mr. Steve Rochelle for Position 9 of the Board of Directors of Reinvestment Zone Number One, City of Houston, Texas (St. George Place), that all of their resumes had been passed out to Council Members.

Council Member Alvarado moved approval of the nominations, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Garcia absent. MOTION 2004-0094 ADOPTED.

Mayor White stated that on Item No. 21 they did not get on the record Council Member Goldberg's statement concerning his nomination for Chair of the Board of Directors of Reinvestment Zone Number One, City of Houston, Texas (St. George Place).

Council Member Goldberg stated that he was nominating the current Chair, Mr. Don Clark for reappointment to the Board of Directors of Reinvestment Zone Number One, City of Houston, Texas (St. George Place) and it was agreed that the nomination was included in the motion. Council Member Garcia absent.

## **PROPERTY**

22. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Susan L. Miller of Crosswell Torian Commercial Properties, LLC, on behalf of Katy Freeway Residential Partners, L. P. [Whitestone Capital Group, LLC (Mark Klein, president), general partner], for abandonment and sale of Cedar Post Lane from Blalock Drive to its dead end at the Harris County Flood District drainage easement, in exchange for the conveyance to the City of a full-width utility easement, all located within Blalock Woods Apartments Replat No. 1 and Cedar Post Lane, Parcels SY4-003 and VY4-005 - **APPRAISERS - DISTRICT A - LAWRENCE** – was presented.

Council Member Lawrence named Mr. James Elliott, Jr. and Mr. John Chambless as the appraisers and moved approval of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2004-0095 ADOPTED.

23. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ronald J. Nielsen of R. G. Miller Engineers, Inc., on behalf of Excelsior Land Company, Inc. (Dr. Paul Michael Mann, president), for abandonment and sale of Palm Avenue, from Fannin Street to Main Street, within MacGregor and DeMeritt's Southmore Addition, Section 1, Parcel SY4-004 - **APPRAISERS - DISTRICT D - EDWARDS** – was presented.

Council Member Edwards named Mr. John Chambless and Mr. George Coleman as the appraisers and moved approval of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2004-0096 ADOPTED.

24. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Heather Engutan of Walter P. Moore Engineers, on behalf of MCH Properties, Inc. (Karen Rainey, executive administrator), for abandonment and sale of 9-foot-wide alley, from Sunset Boulevard to Bolsover Street, located in the Second Revised Plat of Sunsetlea Subdivision, Parcel SY4-006 - **APPRAISERS - DISTRICT C - GOLDBERG** – was presented.

Council Member Goldberg named Mr. Thomas Bazan and Mr. William Kvinta as the appraisers and moved approval of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2004-0097 ADOPTED.

25. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Debra Leger-Jordon, Windrose Land Services, on behalf of Urban Lofts VII, Ltd. [Urban Lofts Partner, Inc. (Larry S. Davis, president), general partner], for abandonment and sale of 14-foot-wide utility easement and the attendant aerial easement, located within the D.W.C. Harris Survey, Abstract 325, Parcel SY4-023 **APPRAISERS - DISTRICT D - EDWARDS** – was presented.

Council Member Edwards named Mr. Robert Ellis and Mr. Michael Miller as the appraisers and moved approval of the recommendation, seconded by Council Member Holm. All voting aye. Nays none. Council Member Garcia absent. MOTION 2004-0098 ADOPTED.

26. RECOMMENDATION from Department of Public Works & Engineering that City Council declare surplus and authorize the sale of the properties listed below and authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder at the minimum appraised bid amount – was presented.

Parcel S87-063  
Former Houston Eastex Water Well  
Site No. 2  
5426 Etheline Drive  
**ETJ - STAFF APPRAISERS**

Parcel SY3-014  
Homestead Lift Station  
5815 Leedale  
**DISTRICT B - GALLOWAY – APPRAISERS** – was presented.

Council Member Galloway named Mr. George Watts, Sr. and Mr. Travis Cooper as appraisers for Parcel SY3-014.

Parcel SY1-013  
Former Young Branch Library  
6003 Beekman  
**DISTRICT D - EDWARDS - STAFF APPRAISERS**

Parcel S80-066  
Former Gulf Palms Wastewater Treatment  
Plant Site  
12200 Ross Road  
**DISTRICT E - WISEMAN – APPRAISERS** – was presented.

Council Member Wiseman stated that for Parcel S80-066 she wanted to name Mr. Ms. Tommie Crowell and Mr. Michael D. Copland as appraisers.

Parcel SY3-027  
Former Clear Lake Library Site  
15800 Space Center Boulevard  
**DISTRICT E - WISEMAN – APPRAISERS** – was presented.

Council Member Wiseman stated that for Parcel SY3-027 she wanted to name Mr. George D. Sims and Mr. Gerald Teel as appraisers.

Parcel SY3-033  
Former Eastex Oaks Water/Sewer Plant  
11018 Bauman Street  
**DISTRICT H - GARCIA - STAFF APPRAISERS**

Parcel S95-084  
Former Fire Station No. 24  
1503 Palmer  
**DISTRICT I - ALVARADO - APPRAISERS**

Council Member Alvarado stated that for Parcel S95-084 she wanted to name Mr. Johnny Gay and Ms. Jasmine Quinerly as appraisers.

Parcel SY3-019  
Excess Scott Street right of way  
1800 Scott Street  
**DISTRICT I - ALVARADO - APPRAISERS**

Council Member Alvarado stated that for Parcel SY3-019 she wanted to name Mr. Jack Carter and Ms. Roberta Conerly as appraisers.

Parcel SY3-048  
Former Memorial West Water District Plant Site  
13922 Memorial Drive  
**DISTRICT G - HOLM - APPRAISERS**

Council Member Holm moved to divide the question and postpone Parcel SY3-048 for one week, seconded by Council Member Alvarado. All voting aye. Aye none. Council Members Garcia and Quan absent. MOTION 2004-0099 ADOPTED.

Council Member Ellis moved to adopt the recommendation with the named appraisers, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia and Quan absent. MOTION 2004-0100 ADOPTED.

Council Member Berry stated that he was happy to see the sale of the surplus property and asked his colleagues and they said they had not seen it before, that he wanted to know if it was going to be an ongoing process, that he hoped it was, and asked Mayor White if he could speak to what his policy was going to be on it.

Mayor White stated that they wanted to inventory and evaluate the best use for the taxpayers of surplus property and they could expect to see the sale of surplus property and a process to do that had not been mapped out so he did not want to over advertise but it was going to be done, that the revenues would go to the General Fund unless there was some Enterprise Fund, for example, Water Sewer Fund.

Council Member Ellis asked if they were obligated to put them out for bid or could they actually negotiate the sales price on properties or could they do both and Mayor White stated that he would like to call on the City Attorney to answer.

Ms. Susan Taylor, Acting City Attorney, stated that she would like to get back to the Council on whether the process actually required an action by City Council to declare the property surplus and authorize its auction, that she believed it was a required process and appeared to her what the item on the agenda was, to appoint appraisers and to declare the property surplus and authorize its auction.

Mayor White asked if an auction process was required, that simply whether the action needed a declaration of surplus, but legal limitations on the process itself, and Ms. Taylor stated that she would confirm both of the issues and report back to the Council.

Council Member Quan stated that as they may know they had over 500 pieces of property but had not done a thorough evaluation in the past, that as they went forward he hoped that they could advertise the surplus property to a larger audience, that he knew there were a number of non profits and a number of other interested individuals who would like to have an opportunity to bid on it, that often times they were buried in the back of the newspaper and by the time it happened the groups were not aware that they had the opportunity, that he hoped they went the extra step in letting people know of the City's efforts to make the properties available so they could be put in hands of groups that really had been looking for opportunities to develop properties of their own, for instance the Young Branch Library and the former fire station, those were prime areas that could be used by neighborhood groups, that he commended Mayor White on getting it as a start and hoped it was the first of many more to come, but there was a lot of work to be done there and thought there was a lot of savings for the City as well, that Building Services at one time instituted a program and looked at the ten best uses for property and that report was still at Building Services and hoped they had an opportunity to look at it, that it was to have the City play a proactive role in actually redeveloping areas where they may not need to be owning property or where they should be owning property to trade appropriately, so he thought that could have a great deal of benefit for their budget and for the City, and Mayor White stated that if there was specific recommendations he may have concerning the advertisement or dissemination of that information he would appreciate that.

Council Member Khan stated that they may want to look to see if they could use some of the property for use by the City itself, for example if there was a piece of land somewhere that could be used for park space in the neighborhoods, things of that nature, because in their district, for example, they were looking for multi culture service centers, health care centers and park space, so if they knew what property was available in his district and if they could have some feedback as to what they could be used for.

Mayor White stated that Council Member Khan made a good point and for those on his staff if they could make sure that Building Services was informed of a request to try, without incurring much cost, to have a report to try to segregate those properties that were considered surplus by Council districts and provide that to the Council Members, he thought that would be helpful, and for that matter if there was City owned real estate, if there was a means of identifying that by Council Member district and provide that to the Council Members, that he thought it ought to be done so that Council Members could review those and get some feedback from the people they represented.

#### **PURCHASING AND TABULATION OF BIDS**

27. RECOMMENDATION from Department of Finance & Administration to make the following awards for Medical and Emergency Medical Supplies for Houston Fire and Health & Human Services Departments - \$4,691,418.78 - General Fund:  
**EMERGENCY MEDICAL PRODUCTS, INC** - \$3,149,761.92  
**EVERY READY FIRST AID AND MEDICAL** - \$408,278.02  
**HENERY SCHEIN, INC** - \$500,000.00  
**MMSA MEDICAL SUPPLY CO.** - \$37,090.28  
**MEDTRONIC PHYSIO-CONTROL CORP** - \$80,592.75

**PROMED SERVICES** - \$54,780.00 and in an amount not to exceed \$414,780.00  
**TOTAL ACCESS GROUP, INC** - \$100,000.00  
COUNCIL DRAW LOTS

**ITEM NO. 11** due to receiving identical bids from **EMERGENCY MEDICAL PRODUCTS, INC** and **EVERY READY FIRST AID AND MEDICAL** in an amount not to exceed \$915.81

- was presented, and Council Member Holm drew Ever Ready First Aid & Medical as the successful bidder, and Council Member Ellis moved approval of the recommendation, seconded by Council Member Alvarado.

Council Member Sekula-Gibbs stated that she would like some clarification on the low bids that came in, that there seemed to be such a wide disparity in some of them especially in the second category that they had in the backup and was a little confused about how that occurred and moved that consideration of Item No. 27 be postponed to the end of the agenda, seconded by Council Member Green. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0101 ADOPTED.

**MATTERS HELD** - NUMBERS 28 through 33

28. 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** – (This was Item 29 on Agenda of January 14, 2004, POSTPONED BY MOTION #2004-0054) – was presented.

Council Member Alvarado moved to postpone Item No. 28 for one week, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2004-0102 ADOPTED.

29. MOTION by Council Member Quan/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Finance & Administration Department to award to **DEMCO, INC (Bid No. 3)** for Audio and Video Packaging and Supply for Library Department \$160,000.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$4,800.00 for a net award amount not to exceed \$155,200.00 - General Fund – (**This was Item 3 on Agenda of January 21, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and GOLDBERG**) – was presented. All voting aye. Nays none. MOTION 2004-0103 ADOPTED.

30. RESOLUTION approving the action of the City of Houston Health Facilities Development Corporation regarding its Retirement Facility Revenue Bonds (Buckingham Senior Living Community, Inc. Project), Series 2004A, Retirement Facility Revenue Bonds (Buckingham Senior Living Community, Inc. Project) Extendable Rate Adjustable Securities, Series 2004B-1 and Series 2004B-2, Variable Rate Demand Retirement Facility Revenue Bonds (Buckingham Senior Living Community, Inc. Project), Series 2004C and Variable Rate Demand Retirement Facility Revenue Bonds (Buckingham Senior Living Community, Inc. Project), Taxable Series 2004D (collectively, The “Bonds”) - **DISTRICT G – HOLM – (This was Item 5 on Agenda of January 21, 2004, TAGGED BY COUNCIL MEMBERS EDWARDS, HOLM, GALLOWAY and QUAN)** – was presented.

Council Member Holm moved to postpone Item No. 30 for one week, seconded by Council Member Ellis.

Council Member Ellis stated that he was in favor of the one week delay, that as he evaluated what was going on with Item No. 30 he hesitated to vote for an item such as Item No. 30 because what they did was go out and allow a for profit company to come in and use tax exempt financing, which was fine, because it actually built the base of their ad valorem property taxes, but to know that in the future they could come back and say they were now a non profit

and the City could not collect that property tax base, he had a problem with that, that the issue was not so much on the tax exempt financing, but on how they could restrict and whether they could make them enter into a contract with the local government entities, he did not know whether that would be legal or not, or write it in the bond covenants that would say it was a for profit company, somehow they were receiving tax exempt financing, but the City wanted to be able to collect the property taxes on the improvements of the construction site, so as they moved forward he would encourage the administration to evaluate the process and tell them what they could do and how they could restrict the non profits, which really were for profit, that if they evaluated them 2% were for non profit and 98% was a for profit company and they disguised themselves as a for profit, they saw it in affordable housing projects, they saw it in a number of different projects that floated through the City. Council Member Goldberg absent.

Council Member Holm stated that was exactly where they were going with the item and the one week would allow them to do it, that she perceived their role as Council Members to make sure that as they entered into the agreements that the City was protected and that it was of economic benefit to the City and that was where they were going and thought they would be able to work it out. Council Member Goldberg absent.

Council Member Quan stated that he wanted to commend Council Member Holm as a rookie on Council for her tenacity in the matter and in looking at the issue, that was exactly what their discussions had been dealing with insuring that the property remained on the tax roll, but also besides the economic development aspects he was concerned about social concerns and hope they could work in the week to make sure that as they used the good name and credit of the City of Houston that there was an issue of concern to others who could not afford to reside in the facility that would benefit as well. Council Member Goldberg absent.

Mayor White stated that Mr. Hall conveyed to F&A that there was an additional concern expressed or discussed with Council Member Holm and the Mayor concerning information from the City's financial advisors concerning the effect on the City's credit or ability to issue other tax exempt in the event of default of a project like this, so that was something that he thought they all needed to focus on. Council Member Goldberg absent.

A vote was called on the motion to postpone Item No. 30. All voting aye. Nays none. MOTION 2004-0104 ADOPTED.

31. ORDINANCE authorizing an Interim Borrowing from the Street & Bridges Construction Fund (Fund 405) by the City of Houston, Texas, Lamar Terrace Public Improvement District - Special Assessment District Fund (Fund 223) of an amount not to exceed Forty thousand dollars; declaring an intent to reimburse Fund 405 – **(This was Item 21 on Agenda of January 21, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. ORDINANCE 2004-0077 ADOPTED.
32. ORDINANCE approving and authorizing the second amendment to the Communication Equipment License (Ordinance No. 96-987) between the City and **HOUSTON CELLULAR TELEPHONE COMPANY, L.P., dba, CINGULAR WIRELESS, through its general partner, SOUTHWESTERN BELL WIRELESS, L.L.C.** - Revenue - **DISTRICT I – ALVARADO** – **(This was Item 24 on Agenda of January 21, 2004, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. ORDINANCE 2004-0078 ADOPTED.
33. ORDINANCE approving and authorizing agreement between the City of Houston and **LOCAL INITIATIVES SUPPORT CORPORATION (LISC)** to provide \$210,000.00 in Home Investment Partnerships Program Funds for Technical Assistance to Community Housing Development Organizations - Grant Fund – **(This was Item 29 on Agenda of January 21, 2004, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented.

Council Member Edwards stated that she met with the Housing people as well as the LISC people and appreciated, honored and respected their work, but would like to know if they had any past record of performance measurements for any type of entities that did that type of work, was there a standard performance measurement process that she as a Council Member could have as a reviewing stick, so it would not be so subjective, that to whoever was in charge of that if they could put that in as a process of those types, that when they were doing capacity building and that type of thing that there be a performance measurement that could be easily identified within the RFP that would be helpful to her as a Council Member, and Mayor White stated that he thought it was an excellent point.

Council Member Berry stated that he would request of LISC or someone in Ms. Daisy Stiner's department to let them know, he did not know if it was a renewal of a contract or a first time deal, but they got requests from community organizations that wanted to enter into those sorts of deals and if LISC was someone who was going to step in and serve the City by serving them how they contact them and what that process was going to be because that would certainly be very helpful, that when they call their office sometimes they were not really sure where to send them to get these community organizations on their feet, so if LISC was going to step in and play that role how would they contact them and what that process was going to be, and Mayor White stated that he would ask Ms. Stiner to respond on that.

Council Member Quan stated that he wanted to say that LISC had done a wonderful job in Houston in working with their CDCs, Community Development Corporations, they were the source that people went to, to determine how to get the housing projects on the ground and Council Member Edwards may be aware that LISC did rank CDCs as far as different tiers based upon their capabilities, so it was bringing these up in building capacities their very goal and it was to him money very well spent because there certainly was a number of CDCs, over 125, that they had in the Houston area but were in varying levels of capability and that was what LISC provided, that technical assistance to help them grow in doing their work.

Council Member Edwards stated that where she was going with it was because LISC did do this type of work they were constantly bombarded with people that were not ready to enter into it and if they provided them a spelled out threshold and a spelled out performance thing, then that helped them to not try to be all things to all people, but that they had a threshold by which they could say that before they came to LISC they needed to do this and this, and that had been one of the problems, because of the services that they did render and the opportunities that they did afford to people that everybody was trying to use them for their own personal agendas and thought it would help not only LISC to be better able to really serve their clientele better, but would be better for her when someone came in and told her that LISC did not help them then she had something to go back and ask if they did this or were able to meet that, that it was not about what they were doing, they were doing an awesome job, they were doing twice the job because she thought they did not have that piece that was very well concretized where people could go specifically to it and say that was where they started and they had to have those deliverables to get to that point.

Council Member Quan stated that they should talk about that more, he certainly did not want people to be inhibited in going to LISC, feeling that they could not go to them as a resource because he saw so many well intentioned groups who were totally lost, without LISC's guidance they would not know where to begin, so he would work with her and Ms. Anderson and other members from LISC to see what to do.

A vote was called on Item No. 33. ORDINANCE 2004-0079 ADOPTED.

Council Member Ellis moved to hear from Mr. Calvin Wells at this time on Item No. 27, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0105 ADOPTED.

Council Member Sekula-Gibbs stated that her concern was raised when she saw the bid spread, particularly page 2 of 3 of the backup, that he had already explained it to but wanted Mr. Wells to explain it to the rest of the Council as to what his interpretation was of how one company could bid \$37,000 and another company could bid \$10 million on the same group of devices and syringes, Mr. Wells stated that he wanted to thank Council Member Sekula-Gibbs for asking that question because it was obvious that the company was not interested in that particular item, so they just threw figures in, that they analyzed the bids to make sure that each company met the specs, that if they had more than a 20% spread, which was industry, they would then go and have the company to come in who was the lowest bidder to determine whether or not they understood what they were bidding on and in each of the cases that they had in this item it was an obvious figure that someone just threw in, that back to the successful bidder, the \$192,000, if there was a majority disparity between that bid and the next bid then they needed to make sure that the one that they were awarding it to really understood they were bidding on, that was the disparity that should be of interest, but going down to the last bid for \$1 million versus \$200,000 they had several other bids in between that which would be of low interest to him, that the real interest was that they were getting the same information, that he felt comfortable that they were just throwing in numbers.

A vote was called on Item No. 27. All voting aye. Nays none. MOTION 2004-0106 ADOPTED.

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

Mayor White stated that he wanted to note to Council Members that he was going to start by recognizing Members of Council, but for those wishing to participate there would be, during the presentation time, a special proclamation and statement about the Super Bowl when Mr. Aaron Glenn arrived, that he thought it would be of some interest of what they would do at that time.

Council Member Berry stated that he would like to commend the work that was going on at the Houston Zoo, that their first municipal show was about what was going on at the Houston Zoo and there was some really neat stuff that they were doing over there, that he wanted to thank the nice people at the Municipal Channel who helped them put it together and had helped them quite a bit lately.

Council Member Berry stated that he knew Mayor White took a trip to the HEC, the emergency center, and he read a little bit about it in the paper and did not know if maybe shortly after the Super Bowl he could update them on it because they got a lot of calls on it and suspected other Council Members did to, it was potentially a big issue and just wanted to know what the findings were and how they were going to move forward. Council Member Alvarado absent.

Council Member Berry stated that a couple of days ago he drove through a really bad pothole and called 311 and sat on hold for a little over 4 minutes and had to go and he found that to be unacceptable in light of the fact that they all send people to 311, that they knew that part of the ability to recognize problems out in the City was to have them called in, that he did not know if it was a lack of staffing or what it was, but hoped they could look into that, that during a presentation by the head of 311 a couple of them on their cell phones called in and were put on hold for more than two minutes at that time and he thought that was unacceptable, so if they could look into that.

Council Member Berry stated that he wanted to commend the Health Department for something that happened during the week, that the veteran Council Members would remember that during the last session the food vendors at the Rodeo came down and the Council voted to cap at \$600 for 10 days, at \$60 per day, the fee for vendors at the Rodeo, that a lot of those were small vendors, that once it was done it was never actually implemented and they found that

out yesterday because it was the Rodeo again and they were seeing that, that they called over to the Health Department, who recognized it was a problem and they immediately jumped on that and if anyone was overcharged they had committed to refund those dollars immediately, so he wanted to thank Ms. Gloria Moreno, Health Department, for her prompt response in taking care of implementing a Council initiative.

Council Member Berry stated that on the issue of the inventory of properties they had, he had asked a couple of times for an inventory and hoped somebody could get that and they could begin the process the Mayor talked about, design fees for projects that never got designed and what a waste of taxpayer dollars, he thought there were probably some properties they may have on the rolls that they could argue whether more of them were not surplus and they could not consolidate their operations and thereby maybe not have to layoff people, and maybe a spreadsheet of their leases because he knew he had looked at a couple of the lease renewals that had come through Council and was not sure that anybody benefited other than the landlord that was leasing the space.

Council Member Berry stated that when he and the Mayor first talked about the TIA (Transportation, Infrastructure and Aviation) committee the Mayor was well ahead of the curb on the Spur and that it was going to be a big issue so for those people watching on television, February 13, 2004, the Spur was going to close, it was going to affect Council Members Edwards and Goldberg's districts and going to affect drivers coming in from Council Member Khan's district and all the way out to Sugarland and in response to the Mayor's request on February 5, 2004, in the evening at Saint Paul's Church in Midtown, they were going to do a community meeting, he thought it would be at 6:00 p.m., they had just put it together, and then on February 10, 2004 out in the far southwest section, somewhere near the beltway, so as soon as the Super Bowl was over they were all going to have to roll up their sleeves and start preparing for gridlock.

Mayor White stated that the point was taken on 311 and would like a report on that and would share the call time, that he reviewed other aspects of the operation of that, that they had discussed surplus properties and it was a reasonable request on that, that on Spur 527, that he talked to the Council Members that Council Member Berry had identified, and every day they worked to try to get every idea that they could of what they would do to reduce impact on neighborhoods, including every alternative, from delay, redesign, communication with drivers, etc., that they would share with the committee some of the information that had been developed, that every single alternative that had been prepared by any group was fair game for consideration as far as what they could do given the current state of the legal and contractual commitments that were made before the present Council and Mayor.

Council Member Ellis stated that he wanted to congratulate Council Member Berry who had been recognized as the Council Member of the Year by the Houston Police Officers Union.

Council Member Ellis stated that he was attending a meeting on Saturday morning with Council Member Khan and there were a number of civic associations and homeowner associations and it was kind of a think tank of how they could provide them and the City with the information of the problems and how they could respond more responsibly, that one of the issues that came up was the fact that when there was somebody who filed a deed restriction violation with the City's Legal Department it was very difficult for them to find out what the status of the investigation and/or if there was a lawsuit pending what was the status of the lawsuit, that he expressed his concerns to Ms. Taylor and she did respond to him and he appreciated that, that the concern was how they would be able to separate the sensitive information or the confidential information from that information that was public record and should be available to everybody, that the consensus of the group was that they needed to have some type of website where they could go and retrieve that information and as he thought about it, it made all the sense of the world from the standpoint of a District Council Member they were constantly being called about deed restriction violations and what was happening and what was occurring with

them and then they were bothering the Legal Department who was strapped with the amount of lawyers that were working on the deed restriction violations, so they wound up taking up their time trying to find out where it was and it just seemed that it would be common sense for them to be as a Council Member they could go and view it on a website and as an individual or a civic association board member that they could go and view it on the web page and he understood that there would be a problem from confidential information or sensitive information but thought there should be a process and they should evaluate it and did not see it as being that difficult and thought it saved time for the Legal Department, the constituents and for the Council Members offices as well, that they got a report on a monthly basis of what the status was and so forth, but their issue was that they wanted to know what the status was, all of those people were volunteers and they did not have a lot of time to go and track down their Council Member so that the Council Member could convey the information to them, that they wanted to be able to evaluate it when they had the free time to do so, that it was something that Council Member Berry brought up a couple of years ago.

Council Member Berry stated that what they needed was a deed restriction database, that Council Member Alvarado had that as a budget amendment last year.

Mayor White stated that maybe the City Attorney could make some comment about whether it was under consideration, and Ms. Taylor stated that at Council Member Ellis's request she inquired about it and they had a database in the department that contained that information now, that they were looking at already the option of being able to block some of the fields that they would consider attorney/client and be able to put it up on the Legal Department's website so that people could get access to it, that they already had a section on deed restrictions for people to be able to come in and file complaints, to be able to get the forms and find the information they need and they could add it to that, and Mayor White stated that there was another issue that he had been briefed on and was worth taking a bit more time on before sharing that concerning the deed restriction database, but that was something that they had pursued and gotten some information on and some of the cost estimates.

Council Member Ellis stated that two years ago when they started to expose the businesses who were coming to the City Council and requesting to do business with the City of Houston and were delinquent in their ad valorem property taxes and they went to the law firm that did tax collections for the City and said they wanted to know who was doing business and wanted to know who the individuals were and wanted to make sure they paid their property taxes, and when they started doing that it was about an average of 15% to 20% of the items that were on the agenda were individuals who were delinquent in their property taxes and then they went and passed laws and Ms. Taylor and Mr. Hall helped with that and now he was happy to say that this morning was the first time they every had 100% of the businesses paying their ad valorem property taxes, and that was because the City Council said they were not going to do business and everybody joined together, it was a unified force, and he wanted to congratulate everybody around the table and thought it was the proper way for the City to do business and a proper way for individuals and businesses that wanted to do business with the City of Houston to pay up and take care of their business.

Mayor White stated that given the success of that idea to conceive of any other ways that they might take the concept of exposing the bright light of day on people's delinquencies, that they ought to be thinking of ways that were cost effective.

Mayor White stated that they were going to have fun this week, that people had started to come into town, that the feedback they had gotten so far from visitors who came to Houston had been very good, that Super Bowl tickets were expensive, as everybody knew, and there were a limited number of people who could go to the Super Bowl but everybody in Houston could celebrate the Super Bowl and have a big party, they were so lucky to have Mr. Aaron Glenn, Houston Texans, present, that during the period of Thursday through Sunday they had the Main Event, which was the biggest party that Houston had ever had and everybody was invited, that it

was for Houstonians and was 38 hours and there was going to be a 16 block of downtown where everybody was invited, that they were going to take the opportunity to announce something that was a suggestion by a City employee, Ms. Rhonda Belt Rhea, to make Friday, NFL Day, and to encourage people if they had NFL jerseys or paraphernalia they wanted to wear, something to celebrate, and Mayor White stated that he had a special proclamation that he was going to ask Mr. Aaron Glenn to take to the Super Bowl Host Committee that stated that Bill White, Mayor of the City of Houston, hereby proclaimed, Friday, January 30, 2004 as Super Bowl XXXVIII Friday in Houston, Texas.

Council Members Green and Garcia congratulated and thanked Mr. Glenn and many his teammates who were acting as ambassadors and hosts for the City, that they had run into Mr. Glenn at many different community functions, that they wanted to thank him very much for that , that it said a lot to the young people that Mr. Glenn was where he was but was also at the grassroots level.

Council Member Wiseman stated that she wanted to echo the words of appreciation that Council Member Berry expressed towards the Health Department, she experienced a situation during the weekend, that she was serving as a Membership Chair for the Flaming Arrow District of the Sam Houston Council of Boy Scouts of America and at a leadership training on Saturday it was announced to everyone there that they were going to have to drastically cut back on the number of cooking demonstration booths that were going to be conducted by the boy scouts at their scout fair at Reliant Arena in April, that the reason was because the City was going to charge them \$60 per booth and it was far beyond the boy scouts to come up with \$60 to pay for a booth to having cooking demonstrations for their fellow scouts and perspective scouts, so first thing Monday she visited with Dr. Kendricks via telephone and she took prompt action and that had been corrected, that she wanted to thank her very much for taking care of that and giving the boy scouts the opportunity to have their cooking demonstrations.

Council Member Wiseman stated that with respect to communicating with the public, the Municipal Channel was a very vital tool for the Council Members in doing that, that every week she heard from constituents who observed not only the live broadcasts of the Council sessions, but also the reruns.

Council Member Wiseman stated that she wanted to bring up an issue in the Skyscraper Shadows Neighborhood in her district, that in June they had visited with Right-of-Way Maintenance and they had agreed to regrade the ditches and also to make some culvert adjustments, that from what she understood they had only taken care of just a couple of ditches and they did that work and then stopped, that the department had informed her office that the work had been completed in its entirety, so she would like to visit with a representative of the department to see what happened and where the ball was dropped and where they could pick up and continue with that work.

Council Member Wiseman stated that there had been some news broadcasts about the airport situation, with all of the visitors coming in for the Super Bowl the concerns about the taxicab rate structure and people not being informed about the rate structure and that the airport starters, who worked for the City, who assist the travelers in getting into the cabs, they themselves were not fully aware of the fare structure that they had in place, that a suggestion that she would like to offer was that the airport starters had little slips of paper that they handed to everyone who wanted to get into a cab that would give them the information on the fare structure, that she knew it was short notice, that it was a matter of quick making some black and white copies of the rate structure and having them ready to present, that she thought it would go quite far in clearing the lack of communication and the confusion that the visitors went through and if that was something that could be implemented and expedited she thought it would help a great deal. Council Member Alvarado absent.

Council Member Wiseman stated that they were going to be visiting with a lot of out of

town visitors during the week and they would be asking about different areas of the City and some of the assets and benefits and wanted to offer a friendly reminder that they had the wonderful asset in Clear Lake, NASA and Johnson Space Center and if they could help tout that it would mean a great deal to the people in the community and to her. Council Member Alvarado absent.

Council Member Wiseman stated that she wanted to thank Mayor White for attending the Bay Area Houston Economic Partnership event during the past weekend that it meant a great deal to them. Council Member Alvarado absent.

Council Member Ellis stated that he thought about last weeks public session when Mr. John Florez came in and started asking about having all the buildings put up colorful lights and did not know if the Mayor pushed for it but it seemed like everybody in the downtown area did it and it looked great.

Mayor White stated that on the Boy Scouts he was glad that the Health Department was accommodating, that on the issue of the taxicabs, he did not know how they could respond, that he wanted to tell them that the item had been on the radar screen of the Mayor and the City of Houston and he was told by the Super Bowl organizing committee that there was a remarkable increase in the attendance of some things they did for taxi drivers when the license authority for them requested their presence at certain orientation sessions concerning how they should treat visitors, some of the standard operating procedures and they had gotten good cooperation from the taxi drivers on that and were very sensitive to the impression that they created and the rules and etiquette and procedures and the charging and all that, and the fact that they would be monitoring conduct during that week, and Council Member Wiseman stated that in visiting with some of the owners of the cab companies they said they would very much would welcome the little information slips that just gave the fee structure, that it would make their jobs easier, and Mayor White stated that he would ask Mr. Moore to see if that was a practical suggestion.

Council Member Galloway stated that last night she received a call at approximately 10:30 p.m. and it was from one of the ministers in her district who was arrested for running a stop sign by Metro Police, that the minister tried to talk with the officer, that she did not know what guidelines they had or if they went by the same guidelines that HPD went through but she was embarrassed for the minister, that he had all of the necessary paperwork, that she would like for the Mayor to look into the matter and see why they were arresting citizens just for traffic violations when they had all of the necessary paperwork and identification and no warrants or nothing outstanding on their record, to waste taxpayers dollars by carrying him downtown and having him booked, that it was Officer Bowen with Metro Police, that she would appreciate an investigation of that.

Council Member Galloway stated that she knew perhaps Mayor White had received some correspondence from the 911 center and knew that he was going to be meeting with them and finding out facts and getting information from the employees, but she wanted the Mayor to really look into it, that the persons were being selected randomly, that when the Mayor went out to visit perhaps he should initiate who he wanted to talk to so he could really get a good insight about what was going on.

Council Member Galloway stated that she wanted to thank Mayor White for going out to their neighborhood and visiting with them the other night at their Super Bowl kickoff at Mister A's, that she got a lot of calls about his visit to District B and her constituents were so excited and very proud about how the Mayor took time out of his busy schedule to come out.

Council Member Green stated that he also would say that it was very exciting to be at Mr. A's with Mayor "B", as he was so affectionately called.

Council Member Green stated that the Metro rail safety seemed to be a daily occurrence

and thought the Mayor commented that they had to do something different than they had been doing and he knew that Metro Police were doing as good a job as they could do and maybe they needed to partner with HPD or some of the businesses along Main Street to increase the signage because it was happening almost on a daily basis and thought that at some point the accidents were going to get progressively worse in terms of injuries and thought they needed to explore, maybe from the City's perspective, how they could help lessen the number of accidents that were there in terms of driver safety and education.

Council Member Green stated that they had been getting some calls about businesses who were either perceived to have been or were actually left out of the entire Super Bowl frenzy or the business opportunity, but somehow when they had another one of these big events that they tend to reach out to some of the businesses who may not be in the main drag, that when the Mayor's Economic Task Force meets it may be an issue that could be up for discussion.

Mayor White stated that he did converse with Ms. De Libro and Mr. Sedlek and expressed concern that they take a new look at what they were doing and what they could be doing on the issue of safety in that rail corridor.

Council Member Edwards stated that regarding the U.S. 59 Spur 527, she first wanted to congratulate the community for continuing to be vigilant on the matter, that she had a concern that on February 13, 2004 when all of the traffic was supposed to be diverted onto Alabama and Richmond and so forth, there was right now extensive work going on at West Alabama and Travis and by all indications they were hopeful they were going to be finished by February 13, 2004 but they could not say that they would and to her that was problematic, that they needed to make sure that whatever mitigation program they had in place was operable, that she was going to call for a transportation czar for the City, that there needed to be somebody at the City to give synergy to construction projects so that they could at any point and time know who was doing what and where and what jurisdiction it was. Council Member Quan absent.

Council Member Edwards stated that last night she was at the community meeting that was held by the Texas Commission on Environmental Quality regarding the crushed concrete plant that was once again trying to come into the Sunnyside area, that the community fought the plant for years and were successful in stopping it and then Southern Concrete got to some State Legislators last session and had the law changed and so now they had a loop hole where they were trying to come in again and put the concrete crushing plant in the area, that there were two things that upset her at the meeting, that one, their legislative lobby team did not realize how important it was to a very large community in Houston so when the bill was passed she did not know anything about it, and two, they kept asking how they permitted, did they talk to people, did they take into consideration the health issues within a given community, did they take into consideration that there were already 8 of those plants within a certain radius, just basic questions and they kept saying no because the City of Houston was the agency that did the evaluation and they assumed they were professional, so they kept dumping it on the City of Houston, that the issue in talking with the Health Department was that they went by the protocols given to them by the TCEQ, that the other thing she had a problem with was that the TCEQ Chairperson kept saying that basically all they could do was whether or not the application met the letter of the law or ordinance, that she thought it was insulting to the community and the community was very upset and were determined to fight and were looking for the Mayor's help, and asked Mayor White if they were going to have a Legislative Committee and Mayor White stated that he had not appointed a Legislative Committee, they would have a lobby group and he would solicit some opinions on how they best would organize that, but the answer was that there would be people who would be engaged to lobby.

Council Member Edwards stated that she wanted to congratulate their Super Bowl effort for the City, that particularly she wanted to congratulate Ms. Susan Christian and the special events group for the work that they had done, that she wanted to appreciate the colleagues who

were no longer on Council, Mayor Brown and the City Council Members who were such an integral part of getting it all started.

Council Member Garcia moved to extend Council Member Edwards presentation time, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0107 ADOPTED.

Council Member Edwards stated that there was a program that the City had, and she had attached it for Council Members review and introduction if they were not familiar with it, and she wanted to give a concrete example of something her office had done and thought it gave a real model for how departments could work together, that shortly after coming into office her staff began to look at ways to save money and time in their office and they identified opportunities for both financial and operational improvements for constituents service filing system by using available technology to make it a paperless system, that her Chief of Staff was meeting with the City staff to discuss how it was done, Ms. Linda Garrison of the Record Management Division of F&A, Mr. Vanden Bosch, Mr. Ron Parker and Mr. Farshid Amini of the IT Department all worked with her staff and the IT Department developed the software and now they were in the process of implementing that in a pilot phase, that she thought most of the offices had either been fitted with it or working with it now, that she wanted to lift up her Chief of Staff, Ms. Tamara Jones, it was her idea and she kept work and pushing IT and so finally Mr. Amini said it did make sense and they worked on it, that it was a collaboration of City employees who did it on their own without anyone telling them to do it, and it just spoke to the issue of what Mayor White had been talking about, how City employees were so valuable to their operation, that she would encourage all of them to read it and let their staff read it.

Mayor White asked if there was any reason why he should not direct the Legal Department, the Health Director and the Director of Public Works on every thing they could do to oppose the permit, if there was any reason why they should not do that he was just soliciting advice, that it did not need to be by open microphone, but he would appreciate it by the end of the day, because he could not think of any reason why they should not.

Council Member Lawrence stated they were fortunate not to have a runoff, that they had a long chance to listen to residents in District A and their concern for quality of life going on in District A for residents who did not own a home so they created a task force concerning apartments in District A with Mr. Andy Teas, Houston Apartment Association, on it, and outstanding owners of apartments as constituents and other people who were managers of apartments came together and basically said they were not going to put up with people not being treated equal in their district, a big thank you to Sergeant Hernandez and the other DRT officers in their district who stepped forward and said they would not tolerate not treating people equal and giving them a quality of life and so last week they had been very effective in District A and she just wanted to say thank you HPD. Council Member Ellis absent.

Council Member Lawrence stated that she wanted to say thank you to the Houston Texans, that they were very proud of them and looking forward to next year and their being in the Super Bowl. Council Member Ellis absent

Council Member Garcia stated that he wanted to go back and follow up on a couple of comments that Council Member Berry mentioned about the 311 system and lack of communication connected with it, that he met with Mr. Vanden Bosch on issues related to Public Works and one of the questions he asked was when their citizens took the time to be put on hold to report a nuisance in their neighborhood, whether it was a neighborhood protection issue or a pothole or something along those lines that needed to be brought to their attention he asked what was the feedback to the community and a couple of departments said they just did not do it, they would be on the telephone all day long and they could not dedicate the resources to responding back to the community about what had happened and what the status of it was, that one of the things that he heard from the community was that they knew the City could not

perform miracles over night but they just wanted a little bit of feedback and did not know whether or not their calls had fallen on deaf ears, so he wanted to bring that to the Mayor's attention. Council Member Ellis absent.

Council Member Garcia stated that last night he was at the Proctor Plaza Neighborhood Association and they had been dealing with the issue of "pigeon poop", that it had been a health issue for them because it accumulated and one of the residents had done a lot of research on it and they were concerned because bacteria that the feces generated could become airborne and create a health problem for the children that played in the park and things of that nature, that he spoke with Director Okan-Vick, Parks Department, about it and she was aware of the issue and there had been some discussion about where to go with it and one of the ideas that had been proposed was a netting that may be part of the solution to the issue, that a representative of the Parks Department was at the meeting and it sounded like they were recommending to the community to go with the netting idea, except that they were asking the community to fund, they were asking them to come up with about \$10,000 to fund the net, he was not opposed to it, but was a little concerned that they were having to ask the community to fund the resolution to the issue, that he had put up some money and had asked the Parks Department to match whatever the community could raise, that it sort of went back to the issue that before they began to expend either community resources or their resources they needed to have at least some data to know whether or not they were pursuing best practices and not just what was more feasible maybe for the City. Council Members Ellis and Green absent.

Council Member Garcia stated that there was a tremendous person currently residing in intensive care at Saint Lukes, that his name was Mr. Dan Chip, a City employee, and unfortunately Diabetes had taken control of him and believed he had already lost some limbs to the illness, that he had a chance to work with Mr. Chip in the Anti Gang Office in designing a database to help him track, forecast, access, analyze and evaluate gang crimes in the City of Houston, that he gave him a tremendous tool to be effective in directing their resources and pursuing particular strategies and things of that nature, that they had some tremendous people working for them, that he wanted to tell the folks at F&A and IT Departments that he had a tremendous regard and respect for Mr. Chip. Council Members Galloway, Ellis and Green absent.

Council Member Garcia stated that there had been a lot of discussion about the relocation of CITCO into their community and believed that CITGO would bring much to the City but was also concerned about all the discussions that had been held in relation to the labor issues in regards to that. Council Members Galloway, Ellis and Green absent.

Mayor White stated that on the pigeon issue, Council Member Garcia raised several of them, on a things to do list that was not easy but wanted them to think about it and Council Member Holm, Chair person of her committee, where they might go on some aspects of park management with more neighborhood based programs where the relevant City employees, often good, were more or less accountable to the neighborhoods or neighborhood parks and the priorities of investments within the neighborhood parks, that he thought it was something Chicago had done and was a challenge that they faced and could not be done over night, that he was not talking about privatization of all the park functions, he was talking about who people were accountable to in the operations and maintenance functions and also some of the youth programs they held and functions, and maybe the neighborhood would not set the pigeons as a priority but neither they nor some one sitting down at City Hall should decide what the priorities should be. Council Members Galloway, Ellis and Green absent.

Council Member Holm stated that she wanted to say how proud she was to be a Houstonian and while she applauded everyone that had done a great job during the week particularly, she wanted to recognize and applaud the citizens in their community because they had really confirmed to everyone everywhere that Houston, Texas was a great City, that they had a can do spirit, an openness, a friendliness and an acceptance that was unlike any other

place any where and she thanked Mayor White for his example and she thanked Houston. Council Members Galloway, Ellis and Green absent.

Council Member Alvarado stated that a couple of days ago she met with some constituents in Denver Harbor regarding several issues as it related to the Multi Service Center and Council Member Garcia's office was represented, that she would like to request to have the Parks Director meet with her and Council Member Garcia, that the Multi Service Center was in her district but served a lot of constituents in District H, that they had a lot of concerns with the security inside the facility and also just the lack of activity, there were services that were not being provided, the second floor of the Multi Service Center had still not been completed and then just issues with some of the activities for the seniors and the youth. Council Members Galloway, Goldberg, Ellis and Green absent.

Council Member Alvarado stated that she passed out to Council Members, to the Chairs of the committees, the Council Committee schedule, and it was based upon their conversations with each of the Chairs, that they please review it to make sure they had the days, times and locations, and if they would note when they had holidays they would have to reschedule some of their meetings and if they would please coordinate that with their office she would appreciate it. Council Members Galloway, Goldberg, Ellis and Green absent.

Council Member Edwards stated that the Hip Hop Summit was coming to Houston and was the 17<sup>th</sup> summit that they had, that there would be a press conference on Thursday at 11:00 a.m. at City Hall, that they were hoping to register between 800 to 1,100 young people, age groups 18 to 35, that historically it had been very successful throughout other cities, that not only did they get young people to register but followed them through and had a success record of about 70% of those registered actually voting in the elections, that it was on Saturday starting at 9:00 a.m. at Texas Southern University and the way they could get in was to register to vote, or if they were under 18 that they bring someone who was eligible to vote and have them register to vote, that they were expecting a huge crowd. Council Members Galloway, Goldberg, Ellis, Green and Berry absent.

Council Member Sekula-Gibbs stated that there would be a health conference coming up that had two parts next weekend, that the first part would be for providers, nurses, doctors and all other providers, that it was on February 12 and February 13, 2004 at the George R. Brown if they wanted information on that it was at [www.cardeo.com](http://www.cardeo.com), that the part for the general consumer of health care was on the weekend and there would blood testing, including CBC, glucose testing, cholesterol, weight measurements, blood pressure and recommendations on how to be a healthier Houstonian, that it was all free so they could go and learn if they had any negative consequences with all the partying they had done on the Super Bowl weekend. Council Members Lawrence, Galloway, Goldberg, Ellis and Berry absent.

Council Member Sekula-Gibbs stated that she and Council Members Khan and Quan were at the Park Glen Civic Association meeting and one of the things that struck her as being problematic was that in that area of the City, which was the Wilcrest, Kirkwood and Airport area in Southwest Houston they were close to Fort Bend County and sometimes extended into Fort Bend County and the complaint that caught her attention was that they said when they called 911 they were being told they did not live in the City of Houston and that had come up before, they actually had a tragic loss of life that may or may not have been related to a delay in response, so she was pleased to report that Ms. Barbara Evans, who managed the 911 call intake, had agreed to go out to the area at one of the civic meetings and bring maps and take definite addresses as to where those problems were occurring, that they really needed to get a handle on it. Council Members Lawrence, Galloway, Goldberg, Ellis and Berry absent.

Council Member Sekula-Gibbs stated that a world renowned scientist passed away last week, Dr. Robert Shope, that he had spent the latter part of his career at the University of Texas Medical Branch at Galveston, that he came from Yale, he spent 30 years at Yale, that he was a

virologist and actually collected specimens and characterized 5,000 viruses, that he brought them to the area so they had his collection in Galveston, that they had to recognize that there were a lot of collections in the area, some art and some scientific, but it had led to an economic engine of sorts and the research that was on going, that they now had claim to a lot scientific fame regarding the efforts on virus research going on in Galveston, particularly West Nile and SARS and that had helped Galveston become a Bio Safety Level IV Lab and now they would go forward and had been recognized as a national bio containment lab that would be built there in the near future that would be on par with the CDC, so because of Dr. Shope's work they had now come to the level of Atlanta with the CDC in terms of their ability to do that quality of research. Council Members Lawrence, Galloway, Ellis, Garcia and Berry absent.

Council Member Khan stated that last Monday, January 26, 2004 was the 55<sup>th</sup> Anniversary of the India Republic Day, that as they all knew India was the largest democracy in the world and there were a lot of festivities in Houston and the Indian Community appreciated Mayor White and many of the City Council Members and public officials who attended many of the festivities, that on Saturday, January 31, 2004, marked the 9<sup>th</sup> day of the 12 month of the Islamic Lunar Calendar, and that was the day when Muslims all over the world offered a pilgrimage to Mecca, that it was the biggest gathering of man and woman on the surface of the earth that broke down all racial, ethnic and economic barriers, that those Muslims who were not going to Mecca, all over the world, would be enjoying the second important festival known as Id-UI-Fitr, which would be celebrated on Sunday, February 1, 2004, that from the Muslims of Houston, blessed Id to everybody. Council Members Lawrence, Galloway, Garcia and Berry absent.

Council Member Khan stated that he wanted to thank the University of Houston, Department of Public Policy, who sent an intern to work in their office and they appreciated that. Council Members Lawrence, Galloway, Garcia and Berry absent.

Council Member Khan stated that he wanted to show their appreciation to Mayor White for not only attending the GHRA function last Saturday but also to offer a proclamation for the efforts done by GHRA and their President. Council Members Lawrence, Galloway, Garcia and Berry absent.

Council Member Khan stated that they wanted to show their gratitude to Mayor White for the appointment of Mr. Munir Ibrahim to the Board of the Houston Hotel Corporation. Council Members Lawrence, Galloway, Garcia and Berry absent.

Council Member Khan stated that he wanted to share his experience with 311 and was hoping that the experiences of Council Members Berry and Garcia was an exception and his experience was the norm, that they took a visit of 311 last week and one of the things they found out that the Mayor had already directed them to start was a random follow up with the constituents. Council Members Lawrence, Galloway, Garcia and Berry absent.

Mayor White stated that was in fact the case but did not accomplish all of the purposes which Council Member Garcia following through on every call, however he thought that it was very important for quality control that they get some statistically significant number where they did follow up and make an additional report and that was what they did and talked about the resource allocation and wanted the Council Members to be aware of that fact. Council Members Lawrence, Galloway, Garcia and Berry absent.

Council Member Khan stated that last Saturday afternoon he got a call from one of his constituents complaining about a water main break in the Cook Road area in southwest Houston and being the rookie on Council he called 311 and was extremely impressed with the response he got, that they gave him the response even before knowing he was a Council Member and once he told them he was Council Member Khan the supervisor came and not only gave him a full report on the incident but then called him back within 10 minutes and then called the constituent briefing them as to what was going on and the problem was solved and

everybody was extremely happy, that last night when he and Council Members Quan and Sekula-Gibbs went to the Park Glen meeting one of the appreciations they got was a note saying to please thank the Houston City Council for 311, that they were thrilled with the work which was done through 311, that he hoped the experience they had was the norm at 311. Council Members Lawrence, Galloway, Garcia and Berry absent.

Council Member Khan stated that he wanted to thank his senior colleagues on the City Council for holding his hand and walking him through and letting him go through the learning process, that he really appreciated that. Council Members Lawrence, Galloway, Garcia and Berry absent.

Council Member Quan stated that he wanted to thank Mayor White for going out to a number of the Lunar New Year celebrations as well as several of the Council Members, it was a very important day for the Asian American community. Council Members Lawrence, Galloway, Garcia and Berry absent.

Council Member Quan stated that he knew Mayor White was an attorney and they valued the due process rights that all City employees had, that as they may have noted yesterday the Civil Service Commission overturned the suspension of criminologist Ms. Christi Kim and he thought it went to some institutional issues they had with the crime lab and as the Mayor looked into solving the issue he would like to recommend that they lean toward an independent crime lab personally, that there were other City employees who he thought had worked very hard for the City including criminologist Ms. Pauline Louie, who was still waiting for a hearing before the Civil Service Commission and hoped that the administration would work to hasten that, that she had put in 28 years with the City and he felt like they needed to have a fair hearing as to her situation. Council Members Lawrence, Galloway, Garcia and Berry absent.

Council Member Quan stated that there were being concerns raised about the propriety of Council Members accepting tickets to the Super Bowl and he intended to have a meeting of the Ethics Committee in the next week to just go over what were the rules, that he knew they had several new Council Members and there was a lot of confusion, what was the role of the Ethics Commission, what was the role of the DA's office, what gifts needed to be reported and when they needed to be reported, that he had spoken briefly with the City Attorney and she had agreed to provide a briefing to all Council Members on those issues, because certainly he did not think any of them wanted to act in an unethical manner in any way as servants of the City and so they just needed to clarify where they stood on those issues. Council Members Lawrence, Galloway, Garcia and Berry absent.

Council Member Quan stated that he wanted to welcome all of the people who were coming to Houston and wanted to mention that he received a call from Mr. Charlie Lyons who was the President of the National League of Cities, which represented 18,000 cities around the Country, that he was coming to Houston and thought it was a tribute to the enthusiasm that people throughout the Country had wanting to come to Houston and the leadership nationally who put the focus on Houston. Council Members Lawrence, Galloway, Garcia and Berry absent.

Council Member Wiseman stated that the issue she raised with respect to the fee structure, that they did pass an ordinance requiring the posting of that information so that information was posted in the cabs, but her suggestion had to do with the little slips that the airport starters, as they were getting the cab for the person, hand them the slip so then the customer had that slip with them, that she thought it was important to inform the travelers. Council Members Lawrence, Galloway, Garcia and Berry absent.

There being no further business before Council, the City Council adjourned at 11:24 a.m. upon MOTION by Council Member Sekula-Gibbs, seconded by Council Member Holm. Council Members Lawrence, Galloway, Garcia and Berry absent.

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

MINUTES READ AND APPROVED

---

Anna Russell, City Secretary