

City Council Chamber, City Hall, Tuesday, April 20, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 20, 2004, with 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. and Ronald C. Green; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Michael Berry absent on personal business.

At 1:50 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Quan. Council Member Quan stated that today he was recognizing the work of the Furniture Bank who collected home furnishings and distributed them at no cost to those who found housing through a social service agency and since 1991 received assistance from furniture companies and organizations in the Houston area; that today the City of Houston was commending and congratulating them and wishing them continued success; and proclaimed Tuesday, April 20, 2004, as "Furniture Bank Day" in Houston, Texas; and invited Mr. Dean Anderson, president and Mr. Ole Muhammad, executive director to the podium and presented Mr. Anderson with the Proclamation. Mr. Anderson thanked Council for their support and stated that it was great when industry rallied for the needy and invited all to Pirates of Panache, Thursday at 7:00 p.m.; and Mr. Muhammad stated that Furniture Bank was now founder of a national organization, National Furniture Bank Association and 25 cities now had it and Houston was its leader. Council Members Galloway and Ellis absent.

Council Members Green and Edwards recognized chapters of the Delta Sigma Theta Sorority, Inc. the Houston Alumni, the Houston Metropolitan Alumni and the Suburban Houston-Fort-Bend Alumni; and invited all present to the podium. Council Member Green stated that the sorority started in 1913 and they were trying to improve quality of life in the City of Houston. Council Member Edwards stated that the Delta's had international recognition and demonstrated a concern for social welfare, academic excellence, culture enrichment and promoted the precepts among their over 200 members and 950 chapters. Council Member Green stated that April 20th they would be hosting their first Social Action Day which promoted awareness in the local community and presented the sorority a Proclamation commending them for their service and extended best wishes for a successful Social Action Day and proclaimed Tuesday, April 20, 2004, as "Delta Sigma Theta Sorority Action Day" in Houston, Texas. A spokesperson stated that this was a rewarding day and they thanked all Council Members who met with them and shared their ideas. Council Members Galloway, Goldberg and Ellis absent.

Council Member Alvarado stated that the Planning Department sponsored the Neighborhood Leadership Institute which many constituents took part in; that they had received their certificates and today were present to be congratulated and to take a photo; and invited Ms. Gigi Chan with Planning to the podium. Ms. Chan stated that this year's institute was presented over five Mondays covering various topics and it was the largest single class since established in 1998; and thanked all businesses who donated refreshments to them; and invited all present to the podium for a picture. Council Members Galloway, Goldberg and Ellis absent.

Council Member Garcia stated that a lesson could be taken from the ladies about to be before them as they had the formula right for how to handle serious business and life in general; and invited those with the Red Hat Society to the podium. Council Member Garcia stated that The Red Hat Society began when a group of women decided to greet middle age with style and humor; that they shared a bond of affection forged by common life experiences and enthusiasm for wherever life took them next and the Houston Chapter, Hot Flashes & Purple Sashes was founded in October 2003; that their organization had more than 10,000 chapters around the country and half a million members with a mission to gain higher visibility for women in their age group and to reshape the way they were viewed by today's culture; and extended a tip of the hat and best wishes for a successful and rewarding event and presented a Proclamation to the

Queen Mother proclaiming Tuesday, April 20, 2004, as "Red Hat Society Day" in Houston, Texas.

At 2:15 p.m. Mayor White called the meeting to order and Council Member Green led all in the prayer and in the pledge of allegiance.

At 2:16 p.m. the City Secretary called the roll. Council Member Berry absent on personal business.

Council Members Galloway and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none Council Member Berry absent on personal business. MOTION ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Sgt. Humberto Berrera, Mr. Gary Fruge, Mr. Jim Lemond and Ms. Cheryl Armitige out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent on personal business. MOTION 2004-0388 ADOPTED

Mayor White stated that the total time for speakers today was 187 minutes and the City Secretary provided Council Members with a copy of the rules for that instance and it should be taken into account for those speakers at the end.

Council Member Green moved that the rules be suspended for the purpose of hearing Mr. Otis Jordan out of order, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Berry absent on personal business. Council Member Lawrence absent. MOTION 2004-0389 ADOPTED

Mayor White stated that there was a one minute rule today because of the total minutes of speakers and requested the City Secretary to announce the rules. The City Secretary stated that under the Rules of Council if the total time requested by speakers was greater than 150 minutes each speaker's time was one minute, furthermore when provisions of that section was invoked the question time for Council Members was limited to a total of one minute for each speaker. Mayor White stated that the purpose of the rule was impart to protect those at the bottom of the order; and asked that the City Secretary begin calling the speakers. Council Member Lawrence absent.

Sgt. Humberto Berrera, 2537 Priest, Houston, Texas 77093 (713-560-1923) appeared and stated that he was president of the Mexican American Sheriffs Organization and 20 year veteran; that there was an article in the newspaper stating all traffic enforcement should be done by trained Houston Police Officers and they felt it was a slap in the face to the Harris County deputies as they were a very proud, trained agency and very able to direct traffic; and asked it to be reconsidered. Council Member Lawrence absent.

Mayor White thanked Sgt. Berrera for appearing and stated that he had spoken with the Sheriff on the issue and they were working constructively together to make sure everyone was trained in traffic control and was a peace officer who was in general knowledgeable with the laws; and thanked him for his comments. Council Member Lawrence absent.

Mr. Gary Fruge, 5418 Washington Avenue, Houston, Texas 77007 (713-545-4147) appeared in opposition to Agenda Item 59, and stated that the people were the city and he was in business 18 years and loved his job; that he was present about families and not money and he was not included in the Steer Clear Program on I-10 and would like the opportunity to place his tow trucks out there in the program also. Council Member Lawrence absent.

Mr. Tom Valle, 305 Clifton, Houston, Texas 77011 (832-473-0944) appeared in opposition to Agenda Item 59, and stated that there were many people with just one truck and with the

proposal they were afraid they would all be out of work; and urged Council to reconsider. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Mr. Valle stated that as far as he knew none of them were contacted by anyone as to how this would be taken care of. Council Members Lawrence and Wiseman absent.

Mayor White stated that a member of Mr. Saperstein's staff was present and on Council's Agenda there was identification of various speakers so if people would take notes to see who may be included he would appreciate it and was sure Mr. Saperstein would also. Council Members Lawrence and Wiseman absent.

Mr. John Lara, 12822 Elmer Ann Lane, Houston, Texas 77048 (713-545-6676) appeared in opposition to Agenda Item 59, and stated that he was a retired Houston firefighter with 20 years of service and drove a wrecker since 1968 and in his 36 years he could think of no policy that could endanger citizens and wrecker drivers as much as the six minute rule to be implemented; and it was not wreckers causing congestion at wrecks but the response time of law enforcement. Council Members Lawrence and Wiseman absent.

Mr. Juan Gonzalez, 7717 Adrian, Houston, Texas 77012 (713-539-9375) appeared in opposition to Agenda Item 59, and stated that he was a one wrecker owner and did not agree with the proposal as he would not be able to stay in business; and urged that Council reconsider. Council Members Lawrence and Wiseman absent.

Upon questions by Council Member Khan, Mr. Gonzalez stated that as a one truck owner he could not succeed in the bidding process; that this would prevent him from working on freeways. Council Members Lawrence and Wiseman absent.

Upon questions by Council Member Garcia, Mr. Gonzalez stated that he was a one truck company and was not contacted in the process. Council Member Garcia stated that he would ask future speakers to let Council know as briefly as possible if they were contacted as a part of the input process on this. Council Members Lawrence and Wiseman absent.

Ms. Sylvia Gonzales, 5207 Airline #102, Houston, Texas 77022 (713-695-5980) appeared in opposition to Agenda Item 59, and stated that she was the LULAC director for District 8 and in support of the 100 drivers asking for help; that they all wanted congestion to stop, but were asking for consideration of small businesses and equal share. Council Members Lawrence and Wiseman absent.

Council Member Ellis stated that he understood their concerns and wondered if they could do a joint partnership; that he knew there could be a solution and thought they should be sympathetic to individuals with small companies. Council Members Lawrence and Wiseman absent.

Mr. Ray Rawlins, 8181 El Mundo #2603, Houston, Texas 77054 (832-721-8804) appeared in opposition to Agenda Item 59, and stated that he was a wrecker driver for about 15 years and worked southwest Houston and did not know of one single company contacted for input; that he was a one truck owner as most present were and would be totally eliminated. Council Members Lawrence and Wiseman absent.

Council Member Alvarado stated that following up on Council Member Ellis's suggestion if there was a way for the small company to compete she wanted to make sure the rules were such that they would not be just setting them up for failure; that everyone wanted to be a part of the solution and she urged them to attend the committee meeting for more information. Council Members Lawrence and Wiseman absent.

Ms. Cheryl Armitige, 2706 Arbee, Houston, Texas 77004 (713-524-6499) appeared and stated that she was a member of the Houston Real Estate Association and present as this week they were celebrating Realtor's Week along with other cities in the US; that she was chair of the PAC Committee which stood for Public Affairs Committee for Houston Real Estate Association and they researched and monitored governmental actions as they impacted and related to issues impacting democracy in housing on behalf of the underserved population and wanted to work with the City of Houston on educating and informing regarding home ownership; and invited the Mayor and Council to a mixer at Drexler's, Friday from 5:00 p.m. to 9:00 p.m. Council Member Wiseman absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Armitige stated that the LARA Board would be hosting their second meeting Friday as was looking forward to it. Council Member Wiseman absent.

Mr. Paul Flint, 2950 North Loop West 3rd floor, Houston, Texas 77002 (214-592-9986) appeared in favor of Agenda Item 59, and stated that he was representing Progressive Insurance Company and wrecker fees were out of control; that if someone broke down they should not be compounded by high wrecker fees and they thought the proposal would make highways safer and keep cost associated with accidents down. Council Member Wiseman absent.

Upon questions by Council Member Quan, Mr. Flint stated that they were studying towing fees in Houston and they had consent and non-consent fees; that he showed one vehicle being towed 14 miles by police authorized tow and it was \$137.00; that an owner consent tow was \$713.00 for being towed five miles. Council Member Quan stated that he would like a copy given to all Council Members. Council Members Wiseman and Sekula-Gibbs absent.

Mr. Gus Pappas, 7900 Kambridge #23, Houston, Texas 77054 (832-545-8510) appeared and stated that he was asking a fine to be levied against towing companies who illegally towed a vehicle; that he was wrongfully towed from a private lot and challenged it in Municipal Court and won yet no penalty was on the company; that he took them to Small Claims Court and again won and still no penalty and he was never paid. Council Members Wiseman and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Mr. Bibler stated that the issues were so fact specific he would rather not comment off the cuff with just half the facts; that he would suggest Mr. Pappas start by visiting Lieutenant Durden and then go from there. Council Member Quan stated that Lieutenant was present and he could visit with him. Council Members Wiseman and Sekula-Gibbs absent.

Ms. Patsy Shears, 406 E. Camino, Houston, Texas 77037 (832-473-1809) appeared in opposition to Agenda Item 59, and stated that she was a towing industry representative in business about 20 years; that the proposal could not benefit the community when it would cause loss of jobs. Council Members Wiseman, Holm, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Ms. Shears stated that she was representing her company and she was not notified. Upon further questions by Council Member Quan, Mayor White stated that there was a committee meeting and he asked the chair, Council Member Berry to make sure it was a full meeting and ventilate a lot of issues here and make recommendations; that he wanted to avoid people attending three or four meetings to express the same issues and it was to be Monday at 2:00 p.m.; and would ask the Assistant Agenda Director to make sure those who attended today would get notice. Council Members Wiseman, Holm, Ellis and Sekula-Gibbs absent.

Mr. Russell White 530 Wells Fargo #350, Houston, Texas 77090 (713-397-2606) appeared in favor of Agenda Item 59, and stated that he was working for State Farm Insurance

and they supported the proposal in an effort to promote safety for customers and reduce secondary accidents. Council Members Wiseman, Holm, Ellis and Sekula-Gibbs absent.

Ms. Ann Oryan, 4970 Hwy 290 West #310, Austin, Texas 78735 (512-899-8843) appeared and stated that she was with AAA Texas and was public and government affairs manager and congratulated Council for addressing the need for a more effective freeway vehicle incident management program; that they were currently reviewing the ordinance for its impact on motorist and members and asked Council to take into consideration all impacts of which they encouraged examination of the scope of the program and questioned whether it was cost effective. Council Members Wiseman, Holm, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Galloway, Ms. Oryan stated that they would be working with the City of Houston and all interested parties to make sure it worked for the motoring public. Council Members Wiseman, Holm, Ellis and Sekula-Gibbs absent.

Council Member Galloway stated that the freeways crossed over into other municipalities and she did not know how they could make a rule for other municipalities; and Mayor White stated that they would welcome participation of other entities, but comments received from Bellaire was constructive, it was a reason to have cooperation from METRO police because of the geographical scope of METRO; that citizens lives would be so much better if they came up with a better method of getting wrecked and stalled vehicles off the road more quickly and safe and at low cost; that they could do it legally and work with other entities, but would appreciate assistance especially financially. Council Member Galloway stated that they did not want to put people out of business and would like to find a way for the Mom and Pop businesses to work also. Council Members Wiseman, Holm, Ellis and Sekula-Gibbs absent.

Mr. Paul Pustizzi, 236 Asbury #B, Houston, Texas 77007 (713-557-1071) appeared in favor of Agenda Item 59, and stated that he was an adjuster with Allstate Insurance and he had been handed bills ranging from \$1,200 to \$4,400; that in his had was a bill with three days storage and was \$4,500 with a fee on the bill listed as "other fee" and costing \$4,200 and they could not tell them what it was; that when insurance companies asked why they said because they could; and Council should tell them, "No, they can't". Council Members Holm, Ellis, Quan and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Mr. Bibler stated that he could respond but it might take longer than they wanted; that there was a federal law passed about 1995 in response to a dispute between Federal Express and UPS which stated that local government could not regulate intra state trucking services and that included tow trucks; that they were able to get the law lifted with respect to the price of non-consent tows, but not to the respect to the price of consent tows. Council Members Holm, Ellis, Quan and Sekula-Gibbs absent.

Council Member Garcia moved that the rules be suspended for the purpose of bringing Ms. Ann Oryan back for questioning, seconded by Council Member Alvarado. Council Members Edwards and Galloway voting no. Balance voting aye. Council Member Berry absent on personal business. Council Members Holm, Ellis, Quan and Sekula-Gibbs absent. MOTION FAILED TO RECEIVE A TWO-THIRDS VOTE OF THE CITY COUNCIL. MOTION 2004-0390 FAILED

Mayor White stated that Ms. Oryan was told the Council Member had questions and he was sure she would be available. Council Members Holm, Ellis, Quan and Sekula-Gibbs absent.

Council Member Edwards stated Ms. Oryan could come back at the end of the meeting if she was willing to wait, but she would like a full hearing on this process in the evening where these people could come and speak and participate and recognize they had valid concerns and could not be fully heard in one minute; and Mayor White stated that was a very reasonable

suggestion in this circumstance. Council Members Holm, Ellis, Quan and Sekula-Gibbs absent.

Mr. David Holland, 8232 White Oak Place, Houston, Texas 77040 (713-515-5656) appeared in favor of Agenda Item 59, and stated that he had a ticket where a car was towed by police and held for eleven days and charged \$357. and a non-consent tow held for twelve days at the same facility was \$1,445. and his concern was the public was not treated fairly and this item may alleviate some of it. Council Members Holm, Ellis and Sekula-Gibbs absent.

Mr. Ken Ulmer, 1700 Brittmoore, Houston, Texas 77043 (832-250-7628) appeared in favor of Agenda Item 59, and stated that he was one of the Safe Clear Towers on I-10 and the program was a huge success to thousands who drove that freeway and it was not so different as to what Mr. Saperstein was proposing, it was companies and drivers committed to working together and solving whatever problems they encountered, focused on being a part of the solution and not the problem. Council Members Edwards, Holm, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Lawrence, Mr. Ulmer stated that he thought the program would work throughout the whole City of Houston. Council Members Edwards, Holm, Ellis and Sekula-Gibbs absent.

Ms. Jeanett Rash, 2104 Lyons, Houston, Texas 77020 (713-228-8872) appeared in favor of Agenda Item 58, and stated that she had been preaching congestion management for about eight years and the laws they needed were there; that they had to get something done for the public and get clean air credit; that there were bugs to work out, but they needed to move forward. Council Members Edwards, Holm, Ellis and Sekula-Gibbs absent.

Mayor White stated that Council Member Ellis had a question on forming partnerships; and upon questions, Ms. Rash stated that they did that on Safe Clear and they had five companies participating; that she would envision something similar under what he was proposing, but they could not have persons being taken advantage of. Council Members Edwards, Holm, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Goldberg, Ms. Rash stated that she had been in the business 38 years and there was no reason drivers could not get together and bid, but he was talking about less than 20% of the overall police tows. Council Members Edwards, Holm, and Sekula-Gibbs absent.

Ms. Suzanne Poole, P. O. Box 1035, Missouri City, Texas 77489 (281-438-5427) appeared in opposition to Agenda Item 59, and stated that she was president of the Houston Professional Towing Association, representing over 300 of the 563 permitted wreckers and present because of the recent contract towing on I-10 and the proposed contract for the rest of Houston's highways; that they would like to know what the procurement process was for the I-10 program and which companies did Mr. Saperstein contact for input on the programs, etc., that they were informed the Mayor's proposal was an illegal allocation of market violating antitrust laws unless undertaken pursuant to a clearly articulated state policy. Council Members Edwards, Holm, Garcia and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Ms. Poole stated that she had not spoken to anyone anywhere and they represented over 300 permits; that they knew the City's problem from the bottom, they were the ones fighting the traffic to get to the accident and they could work to bid on the program, but had no notice. Council Members Edwards, Holm, Garcia and Sekula-Gibbs absent.

Mr. John Lang, 511 Aldine Mail Route, Houston, Texas 77037 (281-772-3577) had reserved time to speak but was not present when his name was called. Council Members Edwards, Holm, Garcia and Sekula-Gibbs absent.

Mr. Joseph Moore, 211 Holly Hall, Houston, Texas 77054 (281-330-5867) appeared in opposition to Agenda Item 59 and asked all present on behalf of the wrecker business to stand to be recognized and stated that the AAA organization, special interest groups and insurance companies were saying they were renegades, etc., but he lost a driver last year who was trying to help get a citizen off the roadway; that they did not get credit for assisting police when they were short officers to assist an officer down, etc., but all had families and they wanted equal treatment and included in the process. Council Members Edwards, Holm, Garcia and Sekula-Gibbs absent.

Council Member Khan stated that they heard the idea of small companies banning together; and upon questions, Mr. Moore stated that some of those present had sacrificed to get to the place of saying they owned something and was their own person and now the City was saying they had to work under someone's umbrella and it was not fair. Council Members Edwards, Holm, Garcia and Sekula-Gibbs absent.

Mayor White stated that there was an announcement the Transportation and Infrastructure Committee Meeting was being posted for 2:00 p.m., Monday, April 26th in this Council Chamber. Council Members Goldberg, Holm, Sekula-Gibbs and Green absent.

Mr. Jason Lang, 511 Aldine Mail Route, Houston, Texas 77037 (832-731-6422) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Holm, Sekula-Gibbs and Green absent.

Mr. Frank Granadas, 3616 Longwood Drive, Houston, Texas 77503 (713-875-9334) appeared in opposition to Agenda Item 59, and stated that he had been a tow truck driver 15 years and did have family to support; that he understood what they were saying, but if the small companies got knocked out of business he had no guarantee of working for a larger company. Council Members Goldberg, Holm, Sekula-Gibbs and Green absent.

Upon questions by Council Member Quan, Mr. Granadas stated that about 70% of his tows were from the street; that he worked out of the southeast part of Houston. Council Members Galloway, Goldberg, Holm and Sekula-Gibbs absent.

Mr. Charles Steinruck, 5615 Effingham Drive, Houston, Texas 77035 (713-726-8749) appeared in opposition to Agenda Item 59, and stated that he thought the program was a good idea to a certain point, but they already had five zones they paid for tags on so why did they need to bid on sections of the freeway, it seemed like it was more for revenue and not public safety. Council Members Galloway, Goldberg, Holm and Sekula-Gibbs absent.

Ms. Dorothy Olmos, 6678 Sylvan Road, Houston, Texas 77023 (281-636-1058) appeared in opposition to Agenda Item 59, and stated that she was present as a concerned citizen; that she felt comfortable calling on her family to pick up her vehicle and that should be reconsidered in the policy; that also the six minute rule should be looked into because getting from one point to another that quickly was ludicrous. Council Members Galloway, Goldberg, Holm and Sekula-Gibbs absent.

Ms. Patricia Gonzales, 920 E. Houston #1308, Pasadena, Texas 77502 (713-477-0359) appeared in opposition to Agenda Item 59, and stated that she was a community activist and present in support of the wrecker service industry; that the community needed to be involved and be a part of the procurement and notices needed to be sent out or it was not right. Council Members Galloway, Goldberg, Holm and Sekula-Gibbs absent.

Mr. Octavian Rahaian, 5911 Bellaire, Houston, Texas 77081 (713-545-4799) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Holm and Sekula-Gibbs absent.

Ms. Bernadette Grappie, 11210 Fall Breeze, Houston, Texas 77004 (281-894-4917) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Holm and Sekula-Gibbs absent.

Mr. Wayne Grappie, 11210 Fall Breeze, Houston, Texas 77004 (281-894-4917) appeared in favor of Agenda Item 59, and stated that he was representing citizens who had been victims of the current system; that he contacted a company and was quoted \$69.00 to tow his vehicle from his home to a dealership, but once there he said he did not want to leave it because they were closed and would not release it and would not accept his payment and wanted to take the car to a storage lot and back to the dealer on Monday, but his purpose was to get the insurance company to pay instead of him. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Mr. Sam Said, 8180 Southwest Freeway, Houston, Texas 77074 (281-330-0226) appeared in opposition to Agenda Item 59, and stated that he was a little different as he was one of the largest companies owning 50 tow trucks, four storage, two body shops and one junk yard and he was not contacted by anyone about the new system; that he could probably benefit from the program, but he had enough business. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Mr. Said stated that he was never contacted and until last night did not know about the ordinance to be voted on; that they had solutions, he met with 362 wrecker owners in his office yesterday and all were concerned because they did not know of the plan. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Mr. Isa Skafi, 211 W. 23rd, Houston, Texas 77008 (832-347-8346) appeared in opposition to Agenda Item 59, and stated that he was a medium company and could probably survive this but many small independents would not; and for Council Member Garcia's information the only companies contacted by Mr. Saperstein was Road I, AAA Insurance Company and a Motor Club for Houston; and for Council Member Ellis if he got 50 of the little independents to join they would not have sufficient funds to participate; that he suggested a solution to the previous Police Chief and invited the Mayor and Council Members to ride with them and see where the problem was and then they could find the solution. Council Members Galloway, Goldberg, Sekula-Gibbs and Green absent.

Mr. Russell Skrehot, 480 N. Sam Houston Pkwy East #320, Houston, Texas 77060 (281-405-7103) appeared in favor of Agenda Item 59, and stated that he was present on behalf of Farmers Insurance and they were concerned about the current proposal's lack of language addressing additional fees associated with it such as storage, administration fees and steering fees; that he had a bill where a vehicle was towed and was there for 10 days and the bill was \$115. and reasonable, but the advent fee was \$350. and storage was \$50.00 a day for 10 days equaling \$550. and an insurance agent steering fee for \$500., and the total bill for 10 days was \$1,465.; that Houston towing cost was 3% higher than in Dallas and 92% higher than San Antonio and storage was 54% higher here than in Dallas. Council Members Galloway, Goldberg, Sekula-Gibbs and Green absent.

Upon questions by Council Member Quan, Mr. Skrehot stated that they had called HPD because of the concern and an HPD officer researched and said by the customer signing a repair order they could charge any amount they wanted. Council Members Galloway, Goldberg, Wiseman and Sekula-Gibbs absent.

Ms. Olga Carmona, 6716 Long Drive, Houston, Texas 77087 (713-644-6400) appeared in opposition to Agenda Item 59, and stated that she was a woman and small business owner with a storage lot, body shop and five wreckers on the road and in business five years, but if the proposal passed she may be out of business as the majority of vehicles they got came from Houston freeways; that if this passed it would exclude many minority drivers and would leave

only the companies with deep pockets; that as for response time her drivers always arrived within five minutes so it was not wreckers causing traffic jams. Council Members Galloway, Goldberg, Wiseman and Sekula-Gibbs absent.

Mr. Richard Morris, 1810 San Jacinto, Pasadena, Texas 77502 (713-475-2495) appeared in opposition to Agenda Item 59, and stated that he was also a small business man and everyone talked about insurance companies getting high prices, but last year within the 563 permitted trucks the wrecker industry paid \$5,223,000. just to insurance companies for their insurance to operate the trucks and another approximate \$538,000. just for workers comp and with the proposed program it would be \$1,050,000. total income just to operate within the City and after they made payroll for this it would be approximately a \$2.1 million and the price would be forced back to citizens. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Mr. Timothy Pradia, 1733 Ennis, Houston Texas 77004 (713-539-2632) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Khan, Holm and Sekula-Gibbs absent.

Mr. Sam Medina, 2327 Squire Dobbins, Sugarland, Texas 77478 (281-330-3784) appeared in opposition to Agenda Item 59, and stated that he had just started his own business and was a small business owner with a family; that everyone was talking about price gouging and storage and administrative fees, but it had nothing to do with the wrecker service who was just trying to make a living like others; that they needed to go to storage yards and body shops and talk to them about those other fees; that if this proposal passed what was he supposed to do let his trucks be repoed and work at McDonalds and tell his family he could not take care of them. Council Members Galloway, Goldberg, Khan, Holm and Sekula-Gibbs absent.

Mr. Ferdinand Durisseau, 16315 Covey Run, Missouri City, Texas 77489 (832-247-3055) appeared in opposition to Agenda Item 59, and stated that he paid \$9,000 a year for one truck and no moving violations or accidents within the last 15 years and when he asked his insurance about a discount for being a safe driver he was told they may go up on it because he was more likely to have an accident since he had not had one; that everyone talked about wrecker fees, but what about insurance fees and when would his fee go down. Council Members Galloway, Goldberg, Khan, Holm and Sekula-Gibbs absent.

Mr. Mark Embry, 6716 Long Drie, Houston, Texas 77087 (713-545-0923) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Khan, Holm and Sekula-Gibbs absent.

Mr. Jeff Donaldson, 13331 Old Richmond Road, Houston, Texas 77083 (832-766-7376) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Khan, Holm and Sekula-Gibbs absent.

Mr. John Juanopulous, 2207 Eastex Fwy., Houston, Texas 77026 (713-227-5207) appeared in opposition to Agenda Item 59, and stated that he owned a paint and body shop and four tow trucks; that he believed the proposal was to make more money for the City and not the small people and traffic congestion was not a stalled car on the shoulder; that a six minute response time was not possible and he knew it would put many out of business. Council Members Galloway, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Mr. Terry Manuel, 6719 McKeever, Pearland, Texas 77584 (281-458-3000) appeared in opposition to Agenda Item 59, and stated that he was a wrecker driver 20 years and in Zone Four; that the problem was they were not working together as a team, but to solve problems they should be given an open forum and they could present all the figures Council needed. Council Members Galloway, Khan, Holm and Sekula-Gibbs absent.

Ms. Gracie Yerena, 6619 Alfano, Houston, Texas 77076 (713-298-7591) appeared in

opposition to Agenda Item 59, and stated that she was owner and driver of one wrecker and she like all others present today struggled to make their own business and met all City requirements; that they were most Hispanic or African Americans with one to three wreckers; that those with big companies were not present; and the small owners like themselves did not rip-off anyone as they received no percentage of storage, etc. Council Members Galloway, Goldberg, Holm, Garcia and Sekula-Gibbs absent.

Upon questions by Council Member Lawrence, Ms. Yerena stated that between freeway and streets her business was about half and half and she was in Zone Two; that she paid \$1,100. each month only for her wrecker insurance and she took a loan on her house for her business; that many businesses used the freeway so why should only wreckers pay to use them. Council Members Galloway, Goldberg, Holm, Garcia, Quan and Sekula-Gibbs absent.

Council Member Wiseman stated that her point of order was Council Rule 22, Section C; that for those not familiar with Council Rules she would ask the Chair to ask the City Secretary to recite that rule for their benefit; and Mayor White stated that out of respect for views of others and timeliness if people would observe proper decorum the Council Member invoked the rule. Council Members Galloway, Goldberg, Edwards, Holm, Garcia and Sekula-Gibbs absent.

Mr. Otis Jordan, 7663 South Glen Willow, Missouri City, Texas 77489 (281-438-4124) appeared and stated that he had been present numerous times concerning the Fire Department and promotions; that a 100 question test was not a way to pick a leader or captain and it was dangerous to firemen and citizens; that they were asking more be to a promotion than questions, they needed education, proven leadership, professionalism and integrity; that in October 63 firefighters came in protest. Council Members Galloway, Goldberg, Edwards, Holm, Garcia, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Lawrence moved that the rules be suspended for the purpose of extending time for Mr. Otis Jordan to speak, seconded by Council Member Quan. Council Member Berry absent on personal business. Council Members Galloway, Goldberg, Edwards, Holm, Garcia, Alvarado and Sekula-Gibbs absent. No vote was recorded as a quorum was not present. (NO QUORUM PRESENT)

Mr. Jordan further stated in October 2001 they had 63 chief officers come to Council and protest against the previous Mayors, it was a poor lack of leadership in the Fire Department and some of those same people were putting in for Chief jobs now; that they needed a winning team and a strong leader, someone who knew what they were doing and willing to go in and do his job and bring the guys out safely and not just someone who passed a test. Council Members Galloway, Goldberg, Edwards, Holm, Garcia, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Victor Gallardo, 7037 Capitol, Houston, Texas 77011 (713-928-9860) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Holm, Garcia, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Ms. Teresa Gallardo, 5000 Gulf Freway, Houston, Texas 77023 (713-393-4700) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Edwards, Holm, Garcia, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Ms. Rebecca Santana, 5425 Nightingale, Houston, Texas 77017 (713-645-5618) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Edwards, Holm, Garcia, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Ms. Maria Jalomo, 1203 Fleming Drive, Houston, Texas (713-443-1612) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Edwards, Holm, Garcia, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Hugo Manriquez, 7422 Meters, Houston, Texas 77020 (713-498-0493) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Holm, Garcia, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Lee Benner, 2505 Whitney, Houston, Texas 77006 (713-408-0515) appeared and stated that he was present to speak on the proposed 24-hour parking downtown; that it would ruin the late night business; that he was a bar owner and many of them were just hanging on; that there was a different culture downtown at night and it would not be a good thing. Council Members Galloway, Goldberg, Edwards, Holm, Garcia and Sekula-Gibbs absent.

Mayor White stated that they had called and passed over certain individuals, beginning with Mr. Victor Gallardo, who were out of the Chamber and in the hall conferring with other Council Members and instead of each speaking they would like Mr. Victor Gallardo to speak on their behalf and he would ask that he be allowed to speak at this time. Council Members Galloway, Goldberg, Edwards, Holm, Garcia and Sekula-Gibbs absent.

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Mr. Victor Gallardo at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent on personal business. Council Members Galloway, Goldberg, Holm, Garcia and Sekula-Gibbs absent. MOTION 2004-0391 ADOPTED

Mr. Victor Gallardo, 7037 Capitol, Houston, Texas 77011 (713-928-9860) appeared and stated that he was present to thank Council; that they had a problem at the Magnolia Multi-Service Center and it was resolved Friday and they thanked them, thanked them for their support and thanked them for allowing their GED students to learn government. Council Members Galloway, Goldberg, Holm, Garcia and Sekula-Gibbs absent.

Ms, Olivia Reiner, 49 Briar Hollow Lane #302 appeared and stated that she was with the National Campaign of Listen to the Cries of the Children; that many people were out there confused and not knowing what was happening and it came all of a sudden, but they were the voice of the community. Council Members Galloway, Goldberg, Holm, Garcia, Alvarado and Sekula-Gibbs absent.

Ms. Rose Mary Wilson, 451 Maxey Road #5313, Houston, Texas 77013 (713-330-3358) appeared, presented information and stated that she was with an organization called (PFLAG) Parents, Families and Friends of Lesbians and Gays and wanted to relinquish her time to their president Mr. Ron Dupre; and Mr. Dupre stated that Council was a diverse group and children attended diverse schools; that PFLAG was proud of the diversity and their gay and lesbian children; that diversity was not always accepted, but gay and lesbian children had a right to learn in an environment free of prejudice, and harassment and gay and lesbian students had organized gay/straight alliances in several schools to promote tolerance and understanding; that April 21st was proclaimed Day of Silence and asked that they read the card he presented. Council Members Galloway, Goldberg, Holm, Garcia, Alvarado and Sekula-Gibbs absent.

Ms. Rasheeda James, 15810 Kenbrook Drive, Missouri City, Texas 77489 (713-204-7887) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Holm, Garcia, Alvarado and Sekula-Gibbs absent.

Ms. Jocelyn Wright, 6000 Reims Road, Houston, Texas 77036 (713-781-9103) had reserved time to speak but was not present when her name was called. Council Members

Galloway, Goldberg, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 2820 Palm #2B, Houston, Texas 77004 (713-523-4011) appeared and stated that he had a letter he wanted to present to the Mayor and would like a response on it; that his car was towed unofficially and he would like his property back; that he would also like the three foot stripper law repealed as he liked to see naked women now and then and did not think the government should say how close they could get. Council Members Galloway, Goldberg, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Mr. Richard Beerman, 10062 Warwana, Houston, Texas 77080 (713-461-1796) appeared in favor of Agenda Item 59, and stated that in February a speeding wrecker smashed into his stepdaughter, damaged her car beyond repair and placed her in the hospital and he found out the driver was arrested for failing to register as a sex offender and after investigation he had five additional felonies; that TxDOT had no regulations on drivers only for owners and officers of the companies; that owners could not be relied on to do background investigations and it should be handled by the Police Chief and City Attorney and there should be MCI checks. Council Members Galloway, Goldberg, Holm and Garcia absent.

Upon questions by Council Member Khan, Mayor White stated that background checks was discussed, but he did not know if it was incorporated in the terms; and upon questions, Mr. Bibler stated that he visited with Lieutenant Durden about the situation and this was not a non-consent tow truck, it was registered with the Police Department and the City was specifically prohibited by state law from requiring any license from the drivers of tow trucks from drivers who performed only non-consent tows; that there would also be issues on running background checks through the FBI even if they could because they were only allowed to run them through their offices in West Virginia for passenger vehicle for hire drivers, under our state laws they did not have an authorizing state law to allow them to go to the FBI in West Virginia for the type of information on a tow truck driver. Mayor White stated that this was something they needed to add to the list; that it was frustrating when the state tried to tell local how to regulate their own city. Council Members Galloway, Goldberg and Garcia absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg and Garcia absent.

Ms. Rachel Gonzales, 6623 Avenue P, Houston, Texas 77011 (713-921-4388) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg and Garcia absent.

Ms. Minerva Pulido, 952 Villa #204, Houston, Texas 77023 (713-926-1074) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg and Garcia absent.

Ms. Olivia Reiner, 49 Briar Hollow Lane #302, Houston, Texas 77027 (713-829-0899) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg and Garcia absent.

Mr. Al Glover, 4200 W. 34th, Houston, Texas 77092 (713-263-8740) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg and Garcia absent.

Ms. Robin Holzer, 1306 Fairview, Houston, Texas 77006 (713-301-5716) appeared and stated that she was working with a coalition of organizations who were interested in Houston's quality of life issues, including Blue Print Houston, the Katy Corridor Coalition, etc., and they were convinced such issues like mobility, air quality and flooding were all related and they were

making the argument if anyone wanted to help solve such issues they needed to be involved in transportation planning and to help and Blue Print Houston was hosting a public forum on the Regional Transportation Plan on Tuesday, April 27th at 7:00 p.m. at HGAC offices in Greenway Plaza and it would have two parts, discussion and question and answer. Council Members Galloway, Goldberg and Garcia absent.

Council Member Khan moved that the rules be suspended for the purpose of extending time for Ms. Robin Holzer for one minute, seconded by Council Member Green. Council Member Wiseman voting no. Balance voting aye. Council Member Berry absent on personal business. Council Members Galloway, Goldberg, Garcia and Quan absent. MOTION FAILED TO RECEIVE A TWO-THIRDS VOTE OF THE CITY COUNCIL. MOTION 2004-0392 FAILED

Council Member Wiseman stated that if the Council Member would amend to 30 seconds she would support that; and Mayor White stated that by consent they would extend the time. Council Members Galloway, Goldberg, Garcia and Quan absent.

Ms. Holzer further stated that she wanted to invite the Mayor and Council to the meeting and to participate she expected representatives from many Super Neighborhood Councils; that she would leave maps in their offices; that it would be at 3555 Timmons Lane from 7:00 p.m. to 8:30 p.m. Council Members Galloway, Goldberg and Garcia absent.

Mr. Jay Pifer, 12210 Duman, Houston, Texas 77034 (832-620-6591) appeared and stated that he was present regarding parking spaces in the Rice Village area; that he was seeking a building for his business which had no onsite parking and the lack of parking rendered the property a poor investment and was an eyesore for the past two years; that across the street was 12 head in parking spaces which he would need, but at one time the City was going to put meters there and that would render the concerning property useless for businesses and he would like someone to help him. Council Members Lawrence, Galloway, Goldberg, Holm and Garcia absent.

Mayor White stated that he did not know if they could help but could certainly get him information and asked if Mr. Jose Soto could take a note and possibly Council Member Quan's office could assist; and upon questions, Mr. Bibler stated that if the parking spaces were adjacent to his property and the City did not need them he could visit with the Joint Referral Committee to see if the City would be interested in abandoning the spaces, but they could only be abandoned to the abutting property owner. Council Members Lawrence, Galloway, Goldberg, Holm and Garcia absent.

Ms. Mary Taylor, 1403 Fashion Hill, Houston, Texas 77088 (281-445-0682) appeared and stated that she was from Willowrun and she was present regarding the Harris County Jail; that her grandson was in there and she found out much went on that was very wicked. Council Members Lawrence, Galloway, Goldberg, Holm, Garcia and Ellis absent.

Council Member Edwards moved that the rules be suspended for the purpose of extending time for Ms. Mary Taylor for one minute, seconded by Council Member Khan. Council Member Berry absent on personal business. Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis and Green absent. No vote was recorded as a quorum was not present. (NO QUORUM PRESENT)

Ms. Taylor further stated that her grandson was picked up and he had been in jail nine months; that they had no proof on him but wanted him to take a plea; that he was innocent and they had no money to get him out; that it was a hung jury, but he was still in jail; and there were others like him in the same situation; that it was wicked because it was not justly. Ms. Taylor presented a letter to Mr. Cantu. Council Members Lawrence, Galloway, Goldberg, Holm, Garcia and Ellis absent.

Mayor White stated that since she let them know of her concerns in advance they did some background investigation and the grandson was held in County jail after the hung jury and the decisions concerning whether he should be retained was in the hands of the DA the City had no authority over his decisions; that Assistant Chief Montalvo was present and will provide her information. Council Members Galloway, Goldberg, Holm and Ellis absent.

Mr. Dean Decker, 11215 Oak Springs, Houston, Texas 77043 (281-752-9198) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Holm and Ellis absent.

Ms. Sharon Foster Ray, 1302 Castle Hill, Kingwood, Texas 77339 (281-358-6200) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Holm and Ellis absent.

Mr. James R. Kinney, 503 Elton, Houston, Texas 77034 (713-946-5338) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Holm and Ellis absent.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-741-5728) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Holm and Ellis absent.

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Holm and Ellis absent.

Mr. Jim Lemond, 910 Travis, Houston, Texas 77002 (713-650-2750) appeared and stated that he was present representing Hertz, Avis, Budget, Alamo and National Rental Car Companies but did not represent Enterprise; that he was present regarding an update to the solution on parking ticket citations; that he was in contact with the Legal Department and it was only about 11:15 a.m. this morning that they received a draft to the revision of the ordinance they were speaking to and he had since E-mailed it to his clients. Council Members Galloway, Goldberg, Edwards, Holm and Ellis absent.

Council Member Green moved that the rules be suspended for the purpose of extending time by one minute for Mr. Jim Lemond to speak, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Berry absent on personal business. Council Members Galloway, Goldberg, Edwards, Holm and Ellis absent. MOTION 2004-0393 ADOPTED.

Mr. Lemond further stated that he was asking for an additional two weeks to have input into the process of structuring an agreement; that they were working with the Legal Department but just needed more time to work with. Council Members Galloway, Goldberg, Edwards, Holm and Ellis absent.

Mayor White stated that there was a conference today and he and the City Attorney's Office participated; that Mr. Michel was of the view for them to entertain a motion to defer for two weeks, but he would say to the parties and the City Attorney that Council was prepared to act on an issue which had been around for a long time and he really wanted it to be done quicker than three weeks, but that was the recommendation and he wanted to get it wrapped up. Council Members Galloway, Goldberg, Edwards, Holm and Ellis absent.

Upon questions by Council Member Garcia, Mr. Lemond stated that if they received the drafts in time they would still like input, a time for exchange of information, but he would think it could be done in two weeks; that they were continuous investigations. Council Member Garcia stated that he was hopeful; that a little fire created much progress in a weeks time and maybe in

two weeks there would be more. Mayor White stated that if someone changed their mind he wanted to know, he did not like that once they reached an agreement. Mr. Lemond stated that one thing where no agreement was reached was with respect to the delinquency of his client; that he thought the City made an agreement with Enterprise on delinquencies but no one had taken the issue up with them and that was not an area of understanding yet and would like to be able to address that during the two week period as well; and Mayor White stated that he would make sure that was done. Council Members Lawrence, Galloway, Goldberg, Holm and Alvarado absent.

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

Minister Joe Angel Lopez, 2000 Carlton Parc #7, Houston, Texas 77063 (281-435-0779) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Holm and Alvarado absent.

Ms. Arlean Carter, 121 E. 43rd, Houston, Texas 77018 (713-694-7097) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Goldberg, Holm and Alvarado absent.

President Joseph Charles, P.O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was an official crime victim; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm and Alvarado absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm and Alvarado absent.

At 4:20 p.m. upon motion by Council Member Green, seconded by Council Member Garcia City Council recessed until 9:00 a.m., Wednesday, April 21, 2004. Council Member Berry absent on personal business. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm and Alvarado absent.

City Council Chamber, City Hall, Wednesday, April 21, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, April 21, 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., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department and Ms. Marty Stein, Agenda Director, present.

At 8:24 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 and stated that the first order of business was a public hearing. Council Members Goldberg, Holm, Garcia and Berry absent.

#### **HEARINGS - 9:00 A.M.**

1. City Council will conduct a review hearing under Section 370.002 of the Texas Local Government Code regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Curfew Ordinance should be

abolished, continued or modified. Copies of the Curfew Ordinance, applicable State Law and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary.

Note: A book titled "Houston Police Department 2004 Curfew Ordinance Review March 2004" was previously distributed to Members of Council.

Mr. Bibler stated that present with him was Captain Murvel Yates of the HPD Juvenile Division, that Section 370.002 of the Texas Local Government Code required the City at three year intervals to review and determine whether to abolish, continue or modify its Juvenile Curfew Ordinance, that the last renewal of that ordinance was on May 15, 2001 and there was appropriate to look at it again, that the State Law required it to be conducted as hearings and the plural did not say how many therefore they had recommended that a hearing be conducted this morning and another next Wednesday morning, that Captain Yates would give them an overview of the status of the ordinance. Council Members Goldberg, Ellis and Berry absent.

Captain Yates stated that he had been tasked with the responsibility to do the most recent review of the Juvenile Curfew Ordinance and was present on behalf of Chief Hurtt and the Houston Police Department to present those findings to them, that also present was Municipal Court Judge David Fraga and Captain Vickie King of the Eastside Patrol Station, that Judge Fraga had made himself available to answer any questions they may have regarding any judication issues and Captain King was prepared to provide personal testimony regarding patrol initiatives made possible by the Juvenile Curfew Ordinance that she had used to impact crime in the community, that going back to 1991, the year the ordinance was enacted, there was much public concern over dramatic increases in violent crime committed by and against juveniles, they were also trying to come to grips with the growing gang problem during that year and since the Juvenile Curfew Ordinance was enacted in that same year violent crime involving juvenile suspects had gone down 20%, also non violent crimes involving juvenile suspects had decreased over 33% since 1991, they had also observed similar patterns in instances involving juvenile victims, that they did acknowledge that many factors contributed to variances in crime trends but they believed that the evidence from their findings pointed unmistakably to a significant impact by the curfew on juvenile offender and victim crime, the purpose of the juvenile curfew as originally intended by City Council was fourfold, to deter juvenile violence and gang activity, to reduce crime committed by juveniles, to prevent victimization of juveniles and to provide enforcement of parental control, that simply stated enforcement and/or observance of the curfew helped prevent delinquency and reduced victimization, that they as police officers were also conscious of the need to enforce a juvenile curfew in a fair and reasonable manner and for that reason they observed a policy utilizing the curfew as a positive device to accomplish the intents and purposes of the ordinance, that officers were encouraged to use discretion when enforcing the ordinance considering such factors as the age of the subject under investigation, the location and proximity of the subjects residence, the time of day or night and whether returning the subject to school or a parent or guardian would be more important than issuing a citation, their emphasis in enforcing the curfew was to return the subject to his or her parents if appropriate but most important to remove the subject from potentially harmful circumstances, that clearly they believed they were on the right track in their approach to reducing juvenile crime and victimization in the City of Houston, they also believed that curfew enjoyed wide support in the community and had been enforced by Houston Police Department Offices in the spirit that it was intended and that was with the best interest of their young people and the citizens of Houston in mind, the Houston Police Department strongly supported the continuation of the important ordinance and they asked them to allow them to continue using the valuable tool that had been a significant aspect of a successful strategy for improving the quality of life in the Houston community. Council Members Holm and Garcia absent.

Captain Yates was questioned at length by Council Members, and Council Member Galloway requested a breakdown of the zip codes were the citations were being issued. Council Members Ellis and Quan absent.

The City Secretary stated that no one had reserved time to appear at the hearing and asked if there was anyone in the audience that wished to make remarks concerning the hearing and there being none Council Member Green moved to close the public hearing, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Ellis absent. MOTION 2004-0394 ADOPTED.

### **MAYOR'S REPORT**

Council Member Garcia moved to suspend the rules to consider Item Numbers 3, 69 and 34 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Ellis absent. MOTION 2004-0395 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Number 59 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Ellis absent. MOTION 2004-0396 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment of **REV. JAMES DIXON** to the Board of Directors of the **METROPOLITAN TRANSIT AUTHORITY**, for a two year term – was presented, moved by Council Member Galloway, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Ellis absent. MOTION 2004-0397 ADOPTED.

Mayor White stated that Pastor James Dixon was in the audience and asked that he stand and be recognized. Council Members Goldberg and Ellis absent.

Council Member Galloway stated that she wanted to congratulate Pastor Dixon who had been a pillar in their community and wanted to applaud him for being on the board. Council Members Goldberg and Ellis absent.

Council Member Garcia stated that he also wanted to congratulate Reverend Dixon for his service, that he had served his community so justly, that he wanted to thank him for all his work and commitment. Council Member Goldberg absent.

69. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the payment of fines for citations issued for parking violations on rental vehicles – (**This was Item 39 on Agenda of April 14, 2004, POSTPONED BY MOTION #2004-371**) – was presented.

Council Member Quan moved to postpone Item No. 69 for two weeks, seconded by Council Member Khan.

Council Member Ellis stated that there was some issues with some ad valorem property taxes with the rental cars, the different agencies, and he would just like a memo saying they had taken care of their delinquent property taxes, and Mayor White asked Mr. Hall and Mr. Michel to decide how they would get that information to Council Member Ellis. Council Member Galloway absent.

A vote was called on the motion to postpone Item No. 69. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0398 ADOPTED.

34. ORDINANCE appropriating \$234,000.00 out of Solid Waste Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **EPSILON ENGINEERING, INC** for Two Neighborhood Depositories for Solid Waste Management, CIP L-0043-01-2; providing funding for contingencies relating to construction of facilities financed by the Solid Waste

Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; H - GARCIA and I - ALVARADO** – was presented.

Council Member Alvarado stated that she had some questions about the item, that one of the depository sites was in her district and she understood they were going to shut down the one on Lawndale and Central and build another one and was not quite sure exactly where that location was, and the other question was what would happen with the property it was sitting on now, that she was waiting to get an answer on that, and Mayor White asked Mr. Fontaine if he had heard Council Member Alvarado request and someone from Solid Waste needed to be present to address the issue.

Council Member Alvarado moved to postpone Item No. 34 to the end of the agenda, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0399 ADOPTED.

59. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Towing of Vehicles and the Operation of Auto Wreckers; authorizing the Chief of Police to enter into agreements for Police authorized Major Freeway Vehicle Tows, providing for procedures, fees, and other requirements for certain vehicle tows and containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful; providing for severability – was presented, and tagged by Council Members Holm, Garcia, Alvarado, Wiseman, Galloway, Sekula-Gibbs, Khan, Quan, Edwards and Green – was presented.

Council Member Berry stated that there would be a committee meeting at 2:00 p.m. on Monday and would start promptly and would start with hearing from the public.

After discussion by Council Members, Mayor White stated that there was going to be a full hearing on the issue, some of the concerns made around the table concerning things like making sure processes were transparent and making sure that the legitimate concerns were accommodated, that he would assure them that they would try to access the extent to which progress had been made in addressing concerns concerning communication and other items and try to get some sense of the majority of Council following Council Member Berry's hearing to determine the extent to which if there were additional changes that needed to be made in the ordinance and what the time table was on that, and Council Member Berry stated that their intention was for the benefit of those who could not make it to the committee meeting, to prepare some informal minutes so they would get a sense of what the public opinion were so that they could move forward.

Council Member Holm moved to suspend the rules to consider Item Number 58 out of order, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0400 ADOPTED.

58. **ORDINANCE** relating to the composition of the Board of Directors of the Houston Convention Center Hotel Corporation; approving a second amendment to the Articles of Incorporation, confirming Richard J. Campo as a member and as the Chairman of the Board of Directors, and containing other provisions relating to the subject - was presented.

Council Member Edwards stated that her comments were not necessarily to Mr. Campo because she thought he was an excellent candidate for the position but if they were going to change the process, boundaries or change the way they did it, then she was suggesting that they change the policy period, and not just for this particular board, that they change the standard to going back to the State standard of looking at a majority of board members being residents of the City of Houston as opposed to all of them, that she would not be in favor of changing it for just one board, that she had incidents where she had people who lived in West University who wanted to be put on boards, who were very active in City work and politics who

could not be on boards because they lived in West University, and some parts of Missouri City was the same thing, that she would not being favor of it being a one time exception for one committee.

Mayor White stated that it would be his inclination to have the type of consistency that she urged but to have a bias towards those people who lived within the City limits, that it would be considered a big plus, but as she pointed out there were many people who sometimes they lived in the city limits and sometimes they lived out of the city limits but were more active in community affairs, that in this particular case it was based on a number of criteria, Mr. Campo was so outstanding in relation to a number of criteria, he did not apply or suggest himself for this, it was a number of people given the very seriousness of how they managed that particular property that they sought him out, that he would like their feedback that they change some of the ordinances but then have a bias towards people, that he would ask Mr. Hall and the City Attorney's office, who had worked with Ms. Cabral on some of the legal requirements, that they come up with an overall recommendation that was consistent with what they were saying.

Council Member Goldberg stated that he wholeheartedly agreed with Council Member Edwards, but thought if they voted to break the rule they would have completely opened the door, that he could not think of a single person that one of them could not find qualified, that each Council Member could think of someone who did not live in the City and thought they were just as qualified, that he really would hate to open the doors to all the boards and commissions to non residents, that he was not comfortable with breaking the policy, but was very comfortable with Mr. Campo, that he was outstanding.

Council Member Holm stated that she agreed that they needed to look at the process but also thought that each board stood on its own with its own role and mission, that she thought it was an opportunity to look at each one but did not think they should just reset the priorities of the board structure, that she applauded this move and thought they found a person who was very capable and competent and they should all shift support at this time, that she did think they ought to look forward but with hesitancy rather than as Council Member Goldberg stated, just open the door.

Council Member Galloway stated that this was her fifth year on Council and she felt very strongly that anybody who was representing the City or nominated and confirmed by the City Council regardless of who they might be, that it should be in accordance with the ordinance that they had, that they should be a resident of the City and a taxpayer of the City and in order to be able to give input, advise and support, that she was in agreement with her colleagues the person needed to be a resident of the City, that it was not about the person it was about the rule, that was why the rule was implemented quite some time ago, that they must be a resident to serve on a board, that she felt if they did it for anyone they would have other people they should do it for them and then they would have a conflict in the City.

Council Member Edwards asked why the ordinance was changed to require residents, and Mayor White stated that he understood that State law indicated, for a board such as this, providing for the creation of those said majority.

Council Member Ellis stated that as he remembered correctly the Brown administration wanted it in place and thought that Council Members Robinson and Parker were in favor of it, that he thought it was the will of the administration and believed that a majority was something that they needed to maintain as State law required them to, but he applauded the Mayor's amendment to open it up and get the most qualified individuals and they still would have a majority of board members that lived in the City of Houston, that he would also like to say that Mr. Campo probably owned more property in the City of Houston than anyone else who served on the board, so while his residency might be in West University, he did own a considerable amount of property throughout the City.

Council Member Wiseman stated that the point she was going to make had been made by Council Member Ellis and that was that the candidate under consideration was a property owner of the City of Houston and therefore did pay City of Houston taxes.

A vote was called on Item No. 58. All voting aye. Nays none. ORDINANCE 2004-0296 ADOPTED.

Mayor White and Members of Council congratulated Mr. Campo and wished him well on his appointment as Chairman of the Board of Directors of the Houston Convention Center Hotel Corporation. Former Mayor Bob Lanier, former Chairman was present in the Council Chamber and was recognized by Mayor White and Council Members expressed appreciation for his work on the board.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item Numbers 70, 70a, 70b, 70c and 70d out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Ellis absent. MOTION 2004-0401 ADOPTED.

70. ORDINANCE relating to charges and terms of service for Water and Wastewater Service; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** and containing finding and other provisions relating to the foregoing subject; providing a repealing clause; providing for severability - **(This was Item 36 on Agenda of April 14, 2004, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, WISEMAN and GARCIA)** - was presented.

Council Member Edwards stated for the record that Item No. 70 was sent to Council with recommendation from the Flood and Drainage Issues Committee.

Council Member Sekula-Gibbs stated she had passed out an amendment to 70b, and Mayor White stated that there was a program that Council Member Sekula-Gibbs supported but was on conditioned on the adoption of an amendment to one of the items and Council Member Sekula-Gibbs stated that was correct, that the amendment guaranteed that revenues from the Water and Sewer Fund would be dedicated only to water and sewer drainage and she would not vote for the water rate increase without that dedicated allowance, and Mayor White asked if the language that was drafted per their discussion yesterday, and Council Member Sekula-Gibbs stated yes, and Mayor White stated that the administration supported the amendment offered by Council Member Sekula-Gibbs in response to a number of the Council Members who wanted ways to make sure that the money was used for the intended purpose and signal a different way to do business with respect to the fund, and Council Member Sekula-Gibbs stated that was correct, that she had several discussions with Ms. Debbie Jones of Coastal, Ms. Judy Johnson, Director of Finance and Administration, as well as Bond Counsel Mr. Richard Huff and the language that appeared on the amendment related to 70b was a compilation of those discussions and appeared to result in the desired outcome which was a dedicated fund, which should be to the taxpayers ultimate benefit.

Council Member Wiseman stated that she was adamantly opposed to the water and sewer rate increase, that Kingwood had already seen a water and sewer rate increase in excess of 300% to 400%, that it was a reality and what they had experienced as a result of annexation, that she was encouraged by the fact that Mayor White was working with her and that they were looking at finding ways to provide an alternative service for the Kingwood community, to find a way to offer some relief for those rate payers there, that they could not let the vote go by without acknowledging that what they were doing was paying for the sins of the past, that the enterprise fund they were dealing with had not had sufficient oversight, in her opinion, they had not truly addressed issues of management, that yes there had not been a rate increase for sometime but they must look at the fact that during the time they were not dealing with rate increases they had funds, excessive funds, that allowed Council to draw from it to the tune of \$325 million, that in and of itself pointed to a management issue, that she was totally opposed to it and would

continue to work very hard for her constituents to make sure they found some solution for them.

Council Member Garcia stated that he had been asking for the status of the electronic meters, what the status was on their installment, where they were being used, the accuracy of the reading, that he had asked it a couple of times and had gotten nothing on it, that some his residents were weighing in on it and saying their meters had been installed but were not connected, that there were still some questions out there, and Mayor White stated that he would make sure they would get the appropriate report to him.

Council Member Edwards stated that they had to do the work and had to pay for it some way, that her concern was that low volume users were not necessarily low income or fixed income users, that she did not know how they could address the issue of maintenance, especially for people who were renting who had very little to do with the maintenance of their plumbing because they were dependent upon their landlords but if they were going to pass the bill she thought they needed to be very aggressive in letting people know about water conservation because one leaking faucet could put a family in a real situation with the way the rates were going; that the other concern she had was well water usage, that she had not gotten an answer to the number of wells in the City and did they know who the well water users were and were they part of the process, that she would like to know that as soon as she could, and Mayor White stated that they had somebody to follow through on the water wells.

Council Member Khan stated that as they sat in Council they sometimes had to, at times, make tough decisions, that raising water rates was a tough decision, but he saw how hard the Mayor had worked in several areas particularly bringing efficiencies in the system, reducing waste and tackling the problem of flooding, that yes he did not like rate increases but when he saw the overall benefit the community, particularly the people of District F, was going to receive he thought it was something he had to do, that he wanted to remind Mayor White that the flooding problem should be addressed and hoped to see immediate attention by allocating funds to take care of the severe flooding problem they were facing in District F. Council Member Holm absent.

Council Member Quan stated that it was never pleasant to support an increase in fees as a public official, but they had not increased fees in over 11 years, that last year they could have saved \$100 million if they had pulled the trigger on the plan and now they were down to \$40 million and it was not getting easier all the time, it was getting higher, so they could not put their head in the sand and just pretend that drainage could automatically take care of itself, they had to pay for it and so as hesitant as he was to vote on any increase it was something that they were responsible to do as elected representatives of the City to make sure that they insured the future of the City, that he commended the Mayor on his efforts and supported going forward on it.

Council Member Galloway stated that she knew the largest usage of water was in her district and asked if they took into consideration the commercial businesses, companies who used the most water to maybe have another rate in place, and Mayor White stated that the large volume users, because of cost of service considerations, there were significant discounts with volume and he would ask Mr. Baldwin to get the exact figures for her and at the same time they had tried to take into account historical rates to moderate the effect of any increase on people and residents and apartments, but there were significant volume discounts, and Council Member Galloway asked if they notified the companies that it was coming before Council, and Mayor White stated that Mr. Baldwin had discussions with industrial users, that they did take into concern the industrial user category, and Council Member Galloway stated that she was going to support the item because her district had been neglected for so many years but certainly hoped her district reaped some benefit from the increase.

Council Member Sekula-Gibbs asked if they passed Item No. 70 but did not pass all four of the ensuing items did Item No. 70 become null and Mr. Michel stated that it would not make

Item No. 70 null but they could not give full effect to the plan unless they passed all of the separate parts, and Mayor White stated that if they passed three of the five then they would have to go back to the drawing board.

A roll call vote was called on Item No. 70.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting aye	ORDINANCE 2004-0297 ADOPTED.

70a. ORDINANCE authorizing and providing for certain amendments to the City of Houston, Texas, Water & Sewer System Bond Ordinance; making other provisions regarding such amendments and matters incident thereto; and declaring an emergency - **(This was Item 36A on Agenda of April 14, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN, HOLM, SEKULA-GIBBS, QUAN and KHAN)** - was presented. Council Members Wiseman and Berry voting no, balance voting aye. ORDINANCE 2004-0298 ADOPTED.

70b. ORDINANCE providing for issuance of City of Houston, Texas, Combined Utility System Revenue Obligations, providing for the payment thereof; making other provisions regarding such obligations and matters incident thereto, including covenants and agreements relating to the operation and management of the Combined Utility System, the revenues derived from its operation and ownership, the establishment and maintenance of funds and accounts for the payment of such obligations, specifying the terms and conditions for the issuance of such obligations and other matters incident and related to their issuance and security - **(This was Item 36B on Agenda of April 14, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN, HOLM, SEKULA-GIBBS, QUAN, KHAN and GARCIA)** - was presented.

Council Member Sekula-Gibbs stated that she had passed out an amendment to Item No. 70b as follows:

“(g) Drainage Purposes. For planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to the system or network of storm water management facilities including, but not limited to, inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basin, infiltration facilities, and other components, including, without limitation, the costs of developing, implementing, and enforcing a storm water management program to reduce the discharge of pollutants from the City’s storm sewer system and protect water quality, and the costs related to obtaining, renewing, or maintaining any required permits related to the operation of the storm sewer system, and also including payment of debt service on bonds, notes, or other obligations issued for the purposes listed in this paragraph (g); provided that the aggregate amount withdrawn from the General Purpose Fund pursuant to this paragraph (g) during any Fiscal Year shall not exceed 8% of the Gross Revenues of the System for the immediately preceding Fiscal Year.

Council Member Sekula-Gibbs stated that her amendment assured taxpayers that excess revenues in the Water and Sewer Enterprise Fund would stay in the enterprise fund and not be diverted to other areas and would be directed and dedicated for infrastructure improvements and maintenance, that it codified restrictive language in the bond covenants and removed temptation for Council and Mayor, both present and into the future, to reach into the water and

sewer fund and drain it dry.

After further discussion by Council Members, Council Member Ellis asked if Council Member Sekula-Gibbs sought advice and counseling from the attorneys that were working on the issue and Council Member Sekula-Gibbs stated that yes that they worked together with Fullbright and Jaworski, and Mayor White stated that following the discussion he had with the Council Member they worked closely with the bond counsel and the finance director for a friendly amendment.

Council Member Garcia asked if they ran the amendment by Public Works to make sure that it was also in conformance with some of those issues, and Council Member Sekula-Gibbs stated that she would defer that to the Legal Department and Mr. Michel stated that he was not sure but the language was drafted in the broadest possible language to make be able to accomplish drainage purposes.

After further discussion Council Members congratulated Council Member Sekula-Gibbs on her motion to amend Item No. 70b and a vote was called on the motion. All voting aye. Nays none. MOTION 200-0402 ADOPTED.

Council Member Goldberg stated that he had passed out an amendment to Item No. 70b as follows:

“Section 5.2. Rates and Changes, Subsection (b):

Change the following language: “...shall be adjusted based on the percentage change (if any) in the Designated Index or other appropriate index for the preceding calendar year.

To read as follows: “...may be adjusted upon a majority vote of the City Council of the City.”

Council Member Goldberg stated that he urged his colleagues not to vote for a water rate increase forever.

Council Member Ellis asked Ms. Johnson if they had bond insurance, and Ms. Johnson stated that they were planning to purchase bond insurance for this transaction, and Council Member Ellis asked if the automatic rate adjustment was something that the rating agencies were looking at and Ms. Johnson stated it was definitely something they were looking for, they liked it and wanted it, the insurance companies received it enthusiastically, when they went to talk with the rating agencies and the insurance companies about the overall proposals that was the one thing that was more positively received, from a credit standpoint, in their point of view, and Council Member Ellis asked if that made the premium go down, and Ms. Johnson stated that the price of bond insurance definitely depended on their evaluation of the credit separately from what the rating agencies opinion were, and Council Member Ellis asked if without the automatic rate increase they could also look at higher premiums for bond insurance and then in turn also have the credit agencies give them a down grade and Ms. Johnson stated that was a possibility. Council Member Wiseman absent.

Council Member Green asked if the automatic rate increase ended with the maturity of the bonds, based on the way the ordinance was written, and Ms. Johnson stated yes, but the bonds that were being proposed would be 30 year bonds, but to clarify, the provision for an automatic rate increase in no way prevented City Council from taking action at any time to set rates and charges other than the amount that would go into place by default, all the provision did was to set an automatic amount at the consumer price index, that was a default rate, it was a rate that would go into place if City Council did not act to do something differently, the City Council would always be free to set rates or charges higher or lower than that amount as long as the rate covenants were being met, and Council Member Green stated that there was an out, so to speak, for a future City Council.

Mayor White stated that this City Council could change rates, and future City Councils,

and the issue of whether they incorporated the cost of living adjustment so they were keeping up with inflation, and in the administration's mind and based on public finance professionals and the way they had to run Public Works was that they really needed to have some kind of policy that they were looking at going forward because there were multi year projects, that if they were going to say to the citizens that it was a \$150 million drainage program then they needed to show where the money was going to come from, which would be less if they did not keep up with the cost of living and the rate increase, so he just wanted to make that point but the Council reserved that sentiment, that he agreed with Council Member Goldberg and thought that future City Councils would be reluctant to vote against just keeping up with the cost of living, not because they wanted to see higher water rates but because they knew they had a drainage problem in the City.

Council Member Edwards stated that she thought one of the things that they needed to address was the issue of what they had learned from other cities, best practices, and that had been a dedicated stream of revenue for maintenance, that they could do all things they wanted to do up front with their major projects, but where they got killed, as far as she was concerned, was in their maintenance, to keep up and maintain what they had going, so she agreed in spirit with what Council Member Goldberg was talking about, but would hope that future City Council would take the same diligence that they were taking. Council Member Alvarado absent.

Council Member Khan stated that it was not going to be a one year project, that it would take many years to really address the problem properly and thought if they had the adjustment it would be difficult for City Council to raise rates higher and if they did not have it then a Council could say they needed 9% as they were doing now and thought for long term planning purposes they should take some lessons from the private sector that there were advantages for long term planning.

Council Member Green moved to call for the question, seconded by Council Member Quan. A roll call vote was called on the motion to call the question.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting aye	Council Member Ellis voting no
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting no	MOTION 2004-0403 FAILED.

Council Member Wiseman stated that the only way City Council would have the power to say they were not going to raise the rate was for the administration, whoever administration, to put it on the agenda or call a special meeting to put the item on the agenda so it was not an easy thing to do therefore she supported the amendment. Council Members Edwards and Quan absent.

Council Member Holm asked what was the impact of Council Member Goldberg motion on their bond rating and the structure of the bond. Council Members Lawrence, Edwards and Quan absent.

After further discussion Council Member Alvarado moved to suspend the rules to hear from a representative of the City's Financial Advisor, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Lawrence and Edwards absent. MOTION 2004-0404 ADOPTED.

Upon questions by Council Members, Ms. Debbie Jones of Coastal Securities, stated that

they had crafted the bond ordinance with as much flexibility for the future of the City as they possibly could, there were many changes that they had made to expand that flexibility in operating for the system, that there were very few changes that they did that were considered credit positives, that the automatic rate adjustment mechanism was the major credit positive that they had put into the bond ordinance that made the rating agencies comfortable with all the weakening of the credit of the covenants that they had put into the ordinance; that she believed the most prudent thing for the City to do was to scale back on future projects.

After further discussion, a roll call vote was called on Council Member Goldberg's motion to amend Item No. 70b.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting no
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting aye
Council Member Holm voting no	MOTION 2004-0405 FAILED.

A vote was called on Item No. 70b as amended. Council Members Goldberg and Wiseman voting no, balance voting aye. ORDINANCE 2004-0299 ADOPTED.

70c. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in several series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Water and Sewer System Commercial Paper Notes and certain Water and Sewer System outstanding bonds; authorizing the execution and delivery of Escrow Agreements; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing qualified Hedge Agreements with respect to the bonds; authorizing Bond Insurance, Reserve Fund Surety Policies, Escrow Verification and Engagement of Escrow Agents, a Co-bond Counsel Agreement, Special Disclosure Co-counsel Agreement Supplemental Financial Advisor Agreement, Swap Advisor Agreement, and agreements with respect to payment of Bond Counsel and Financial Advisor Fees of the Texas Water Development Board; authorizing execution and delivery of a Paying Agent/Registrar Agreement – **(This was Item 36C on Agenda of April 14, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN, HOLM, GARCIA, SEKULA-GIBBS, KHAN and QUAN)** – was presented.

Council Member Ellis stated that he had a brief amendment to Item No. 70c as follows:

"The investment banking team recommend for the use of the above items, (known as the "Series 2004A Bonds") will also include the firm of Estrade Hinojosa Co. Inc. as co managers.", seconded by Council Member Khan.

Mayor White stated that he and Council Member Ellis had discussed the amendment, that the people who were on the bond offering were those on the prior list and Council Member Ellis made the good policy point concerning representation of a Texas firm of a certain category and the administration did not oppose it, that they wanted to make sure there was good communication through the administration and the Chairman of the Fiscal Affairs Committee about some policy issues.

After further discussion a vote was called on Council Member Ellis motion to amend Item No. 70c. All voting aye. Nays none. MOTION 2004-0406 ADOPTED.

A vote was called on Item No. 70c as amended. Council Members Wiseman and Berry voting, balance voting aye. ORDINANCE 2004-0300 ADOPTED.

70d. ORDINANCE ratifying and confirming the Stormwater Utility Fund, as previously created, amending prior Ordinances related to such fund, renaming and modifying the purposes for which such fund may be used; rescinding the prior funding sources of such fund; providing that all transfers from the General Purpose Fund under the combined utility system Ordinance be made to the re-named Stormwater Fund - **(This was Item 36D on Agenda of April 14 2004, TAGGED BY COUNCIL MEMBERS LAWRENCE, WISEMAN, HOLM, SEKULA-GIBBS, QUAN and KHAN)** – was presented. Council Members Wiseman and Berry voting no, balance voting aye. ORDINANCE 2004-0301 ADOPTED.

### **CONSENT AGENDA NUMBERS 2 through 62**

#### **MISCELLANEOUS** – NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering for additional allocation of \$60,000.00 on contract with **STORK SOUTHWESTERN LABORATORIES, INC** for Engineering and Testing Services for project Neighborhoods to Standard, Tier IX Overlay, GFS N-1037-02-3 (OL2039) - **DISTRICTS B - GALLOWAY; D - EDWARDS and I – ALVARADO** – was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent. MOTION 2004-0407 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 17 through 57

17. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a sanitary sewer easement containing 6,889 square feet of land, more or less, being located in the John Reinerman Survey, A-642, Harris County, Texas; vacating and abandoning said tract of land to Silver Eagle Distributors, L. P., the abutting owner, in consideration of owner's dedication of a sanitary sewer easement containing 13,682 square feet of land, more or less, and payment of \$300.00 and other consideration to the City - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0302 ADOPTED.
18. ORDINANCE approving and authorizing consent to encroach, allowing the existing improvements owned by Paul A. Ladd and Carrie A. Ladd, the abutting owners, to encroach ±5 feet into the 38-foot-wide alley, adjoining the property located at 717 West 17th Street, being Lots 39, 40 and the west ½ of 41, Block 124, Houston Heights Addition, Harris County, Texas; Parcel ENY2-01; subject to the terms and conditions of the consent to encroach – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0303 ADOPTED.
19. ORDINANCE consenting to the addition of 107.295 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 71**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0304 ADOPTED.
20. ORDINANCE consenting to the addition of 5.1363 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9**, for inclusion in its district – was

presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0305 ADOPTED.

22. ORDINANCE establishing the north and south sides of the 600 and 700 blocks of East 12th Street and the south side of the 700 block of East 12th ½ Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0306 ADOPTED.
23. ORDINANCE establishing the north and south sides of the 600 block of Wendel Avenue, the north and south sides of the 800 block of Sledge Street, the south side of the 700 block of Usener Boulevard, the north side of the 2000 and 2100 blocks of White Oak Drive, the west side of the 2600 block of Thelma Drive, the east and west sides of the 2600 block of Green Leaf Street, and the east side of the 2300 and 2600 blocks of Watson Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0307 ADOPTED.
24. ORDINANCE establishing the south side of the 1000 and 1100 blocks of West Temple Street, the east and west sides of the 4000 block of Pineridge Street, and the west side of the 4000 block of Michaux Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0308 ADOPTED.
32. ORDINANCE approving and authorizing Waste Disposal Contract between the City of Houston and **K. MILL HOLDINGS, LTD.** and **K. MILL DEVELOPMENT, LTD.** on behalf of the proposed **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98** - Revenue – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0309 ADOPTED.
33. ORDINANCE approving and authorizing treated water supply contract between the City of Houston and **K. MILL HOLDINGS, LTD.** and **K. MILL DEVELOPMENT, LTD.** on behalf of the proposed **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98** - Revenue – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0310 ADOPTED.
35. ORDINANCE appropriating \$439,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **JAYMARK ENGINEERING CORPORATION** for Design of Water Line Replacement in the Junction City Area, CIP S-0035-C5-2 (WA10787); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0311 ADOPTED.
36. ORDINANCE awarding construction contract to **RAY SMITH CONSTRUCTION, INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Regents Village Subdivision; approving and authorizing assignment of the construction contract to Regents Park Associates, LTD., CIP S-0800-93-03 and R-0800-93-03 (DPC-032) - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0312 ADOPTED.

38. ORDINANCE appropriating \$252,500.00 out of Airport System 2000 AMT Construction Bond Fund; authorizing the purchase of certain tracts of land and improvements thereon out of Greenview Manor Sections Two and Three, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-27.1; approving purchase and sale agreements with the owners of the land (Everardo Barriga and Beatriz Barriga; and Noel Sanchez and Graciela G. Gonzalez) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0313 ADOPTED.
39. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT** to enter into an amendment to a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **CHARTERWOOD MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0314 ADOPTED.
40. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **FALLBROOK UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **FALLBROOK UTILITY DISTRICT**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0315 ADOPTED.
41. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **FAULKY GULLY MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **FAULKY GULLY MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of **FAULKY GULLY MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0316 ADOPTED.
42. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT 50** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT 50** and certain territory located in the vicinity of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT 50**, in Fort Bend County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0317 ADOPTED.
43. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT 35** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT 35**, in Fort Bend County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0318 ADOPTED.

44. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **GRAND LAKES WATER CONTROL AND IMPROVEMENT DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **GRAND LAKES WATER CONTROL AND IMPROVEMENT DISTRICT**, in Fort Bend County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0319 ADOPTED.
45. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT 52** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT 52**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0320 ADOPTED.
46. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 102** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 102**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0321 ADOPTED.
47. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 147** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 147** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 147**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0322 ADOPTED.
48. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 150** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 150** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 150**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0323 ADOPTED.
49. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 211** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 211**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0324 ADOPTED.

50. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 233** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 233** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 233**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0325 ADOPTED.
51. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 248** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 248** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 248**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0326 ADOPTED.
52. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 116** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 116** and certain territory located in the vicinity of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 116**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0327 ADOPTED.
53. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 36** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 36** and certain territory located in the vicinity of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 36**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0328 ADOPTED.
54. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **KINGSBRIDGE MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **KINGSBRIDGE MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of **KINGSBRIDGE MUNICIPAL UTILITY DISTRICT**, in Fort Bend County, Texas; providing for the publication of notice of such hearings – had been pulled from the Agenda by the Administration, and was not considered. Council Members Holm, Ellis and Berry absent.
55. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 20** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes

certain territory within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT 20**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0329 ADOPTED.

56. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **REID ROAD MUNICIPAL UTILITY DISTRICT 1** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **REID ROAD MUNICIPAL UTILITY DISTRICT 1** and certain territory located in the vicinity of **REID ROAD MUNICIPAL UTILITY DISTRICT 1**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0330 ADOPTED.
57. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **WESTLAKE MUNICIPAL UTILITY DISTRICT 1** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **WESTLAKE MUNICIPAL UTILITY DISTRICT 1** and certain territory located in the vicinity of **WESTLAKE MUNICIPAL UTILITY DISTRICT 1**, in Harris County, Texas; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. ORDINANCE 2004-0331 ADOPTED.

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

**MISCELLANEOUS**

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **COASTAL WATER AUTHORITY**, for a term to expire March 31, 2006:  
Position One - **MR. RICK CLOUTIER**  
Position Two - **MS. DOROTHY WASHINGTON**  
- was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm, Ellis and Berry absent. MOTION 2004-0408 ADOPTED.

Mayor White stated that he wanted to thank the folks on the Coastal Water Authority and wanted to thank the Coastal Water Authority for permitting Mr. John Baldwin to spend a considerable amount of his time working with the City of Houston, the Fiscal Affairs Committee, at no cost to the City of Houston on a very significant infrastructure program that they just passed. Council Members Holm, Ellis and Berry absent.

5. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 12 in the amount of \$70,528.00 on contract with **THE TREVINO GROUP, INC** for Construction of Fire Station 27, GFS C-0072-01-3 - CDBG Funds - **DISTRICT H – GARCIA** – was presented, moved by Council Member Garcia, seconded by Council Member Green.

Council Member Garcia stated that he wanted to commend the administration on Item No. 5, that there were a lot of problems in the design of the project and had created some overruns on the contract, but was excited to hear that Building Services was going after the firm who provided a faulty design on the project. Council Members Ellis and Berry absent.

Council Member Goldberg stated that he was going to tag the item, that he wanted to see what investigation was going to be made into the fact that the design flaw was so incredibly apparent, that he recommended that the Legal Department make an investigation. Council

Members Ellis and Berry absent. (Note: Council Member Goldberg released his tag later in the meeting.)

### **DAMAGES**

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **WILLIAM G. STANLEY** vs. City of Houston, et al.; in the 295th Judicial District Court of Harris County, Texas; Cause No. 2003-16068 - \$45,000.00 - Property and Casualty Fund - was presented, moved by Council Member Green, seconded by Council Member Sekula-Gibbs, and tagged by Council Member Goldberg. Council Member Berry absent.

### **ACCEPT WORK**

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$11,284,623.52 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Construction of 72-inch Water line along West 12th Street, N. Post Oak Road and Westview Drive from 1000 feet east of Hempstead Road to Silber Road - Contract 6E-2, GFS S-0900-72-3 (WA10645) - 00.12% over the original contract amount **DISTRICTS A - LAWRENCE; B - GALLOWAY and H - GARCIA** - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0409 ADOPTED.

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

8. **AMEND MOTION #2001-592, 6/6/01, TO EXTEND** expiration date from June 15, 2004 to June 14, 2005, for Rolls-Royce Turbine Engine Replacement Parts, Overhaul and Exchange Contract for Police Department, awarded to **STANDARD AERO, INC** - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Berry absent. MOTION 2004-0410 ADOPTED.
9. ORDINANCE appropriating \$1,100,000.00 out of Water & Sewer System Consolidated Construction Fund (Fund 755) for spending authority to address the Emergency Repair of the 72-inch Sanitary Sewer Line at N. Braeswood and the Bintliff Ditch for the Public Works & Engineering Department - **DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Galloway. Council Members Goldberg and Berry absent.
- 9a. **INSITUFORM TECHNOLOGIES, INC** for Emergency Repair of the 72-inch Sanitary Sewer Line at N. Braeswood and the Bintliff Ditch for the Public Works & Engineering Department – was presented, and tagged by Council Member Galloway. Council Members Goldberg and Berry absent.
10. ORDINANCE appropriating \$1,050,000.00 out of Water & Sewer System Consolidated Construction Fund (Fund 755) for spending authority to address the Emergency Repair of the 66-inch Sanitary Sewer Line at 655 Maxey Road for the Public Works & Engineering Department **DISTRICT I - ALVARADO** – was presented, and tagged by Council Member Galloway. Council Member Berry absent.
- 10a. **INSITUFORM TECHNOLOGIES, INC** for Emergency Repair of the 66-inch Sanitary Sewer Line at 655 Maxey Road for the Public Works & Engineering Department – was presented, and tagged by Council Member Galloway. Council Member Berry absent.
11. ORDINANCE appropriating \$950,000.00 out of Water & Sewer System Consolidated Construction Fund (Fund 755) for spending authority to address the Emergency Repair of the 48-inch Sanitary Sewer Line at N. Braeswood and Loop 610 for the Public Works &

Engineering Department - **DISTRICT C - GOLDBERG** – was presented, and tagged by Council Members Galloway and Goldberg. Council Member Berry absent.

- 11a. **INSITUFORM TECHNOLOGIES, INC** for Emergency Repair of the 48-inch Sanitary Sewer Line at N. Braeswood and Loop 610 for the Public Works & Engineering Department – was presented, and tagged by Council Member Galloway. Council Member Berry absent.
12. ORDINANCE appropriating \$195,000.00 out of Water & Sewer System Consolidated Construction Fund (Fund 755) for the Emergency Repair of the Renwick Force Main for the Public Works & Engineering Department - **DISTRICT C – GOLDBERG** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0332 ADOPTED.
- 12a. **JALCO, INC** for Emergency Replacement of the Renwick Force Main in the 5500 Block of N. Braeswood for the Public Works & Engineering Department - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0411 ADOPTED.
13. DECLARE **L & N UNIFORM SUPPLY CO.** in default and hold them non-responsible for one year due to failure to deliver complete shipments on award for Apparel Uniforms for Various Departments – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.

#### **RESOLUTIONS AND ORDINANCES**

14. RESOLUTION relating to the Development of a Plan to end Homelessness – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.
15. ORDINANCE **AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to flood prone areas – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.

Council Member Edwards requested that Mayor White ask Council Member Wiseman if they could get her questions answered before City Council recessed because it was a very important ordinance that reflected how they could put some immediate stops to the flooding problem, and Mayor White stated that he agreed with that and the Department of Public Works would make sure to address those issues with Council Member Wiseman and asked Council Member Wiseman if it would assist her if there were members from Public Works present to answer her questions at Council today and Council Member Wiseman stated that it was an area that was a great concern to her as it was to her colleagues, however the questions she had would require additional time to have them answered so therefore she would hold her tag. Council Members Goldberg and Berry absent.

Council Member Quan stated that it may be somewhat late but would also request Mayor White to ask Council Member Wiseman if she would like some enlightenment on Item No. 14 as well as it was an item that would also be appearing in the County Commissioners Court simultaneously with the City's in order to address homelessness in Houston and Harris County, and Mayor White stated they would make sure Council Member Wiseman would get that information in particular. Council Members Goldberg and Berry absent.

16. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2004A; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; awarding the sale of the bonds and authorizing execution of a purchase contract; authorizing the Mayor and City Controller to approve the amounts, interest rates, prices and terms of such bonds, the bonds to be

refunded thereby and certain other matters related thereto; authorizing the purchase of a policy of Municipal Bond Insurance; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; authorizing the defeasance of certain outstanding bonds, the execution and delivery of an Escrow Agreement, the purchase of and subscription for certain securities and the use of certain funds related to the bonds to be defeased; authorizing escrow verification; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement; a Co-Bond Counsel Agreement and Special Disclosure Co-counsel Agreement; and declaring an emergency – was presented, and tagged by Council Member Ellis. Council Members Goldberg and Berry absent. (Note: Council Member Ellis released his tag later in the meeting.)

21. ORDINANCE releasing certain territory in Harris County in the vicinity of the City of Tomball, Texas, from the extraterritorial jurisdiction of the City of Houston – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2004-0333 ADOPTED.
25. ORDINANCE changing the name of Old Westheimer Road to West Houston Center Boulevard between Westheimer Road and Alief Clodine Road - **DISTRICT G – HOLM** – was presented, and tagged by Council Member Galloway. Council Members Goldberg and Berry absent.

Council Member Galloway stated that she did not get all the information she needed, that she wanted to see the petition on it, the signatures and the percentages. Council Members Goldberg and Berry absent.

26. ORDINANCE issuing permit to **EXXONMOBIL OIL CORPORATION**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2004-0334 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, PC** for Legal Services related to Centerpoint Energy's 2004 Stranded Costs True-up to be considered by the Public Utility Commission of Texas and other matters relating to the Electric Utility Rates of Centerpoint - \$1,500,000.00 Maximum contract - General Fund – was presented. Council Members Goldberg, Sekula-Gibbs and Berry absent.

Council Member Ellis stated that he intended to tag the item, that he was reading through the backup and while he understood about the true up proposal that had been submitted by Centerpoint to the PUC he would like to spend a week talking to the law firm and the administration as to exactly what the services were that they were going to receive for \$1.5 million, that he was also concerned if they budgeted for the \$1.5 million or was it going to be spread out over a couple of years and was it coming out of the General Fund, that he did not think his questions could be answered at the Council table today. Council Member Sekula-Gibbs absent.

Mayor White requested that Mr. Michel answer as to the budgeting, and Mr. Michel stated that the fees were reimbursed by the utilities under the statutes and regulations of the PUC, that being said it was still not a substitute for the normal due diligence they were doing along the lines that Council Member Ellis was asking in terms of what they were receiving for the services and so on, that Centerpoint would reimburse reasonable fees for attorneys the City hired, and Mr. Hall stated that it was not for lobbying, those proceedings were quasi judicial kinds of

proceedings where the City had to be represented by Council, about half of the fees were estimated to be for expert witnesses, that had to be used in the proceedings. Council Members Galloway and Sekula-Gibbs absent.

Council Member Berry asked if they had to be successful in the hearing in order to be compensated, and Mr. Michel stated they did not, it was simply their participation and the only standard was the reasonableness of the fees. Council Members Galloway and Sekula-Gibbs absent.

Mayor White stated that Council Members Ellis and Wiseman had tagged Item No. 27. Council Members Galloway and Sekula-Gibbs absent.

28. ORDINANCE amending Ordinance No. 99-521 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and **CENTRAL LANDSCAPE MAINTENANCE** for Grounds Maintenance Services for the Health & Human Services Department - \$147,679.69 - General Fund - **DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; E - WISEMAN; F - KHAN; H - GARCIA and I - ALVARADO** – was presented, and tagged by Council Member Wiseman. Council Members Galloway and Ellis absent.

Council Member Quan stated that he was going to question why Building Services had not come back to take over Item No. 28 and Item No. 29, that it seemed like a redundancy they had between Health and Human Services doing the same type of work they normally would have had Building Services do, that it was his understanding that when first reviewed there was no follow up and encouraged the administration to follow up so they could avoid that in the future. Council Member Galloway absent.

29. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **J E SPECIALTIES, INC dba J & E ASSOCIATES** for Cleaning & Janitorial Services for the Health & Human Services Department (as approved by Ordinance No. 00-49) - **DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; F - KHAN; H - GARCIA and I - ALVARADO** – was presented.

Council Member Khan stated that it was the same thing that Council Member Quan brought up, that he thought Health and Human Services and the Library Department were the only departments that were not maintained by Building Services, that he thought he brought up the issue once before and would request that the Mayor look into having all the buildings under that same maintenance authority of Building Services. Council Member Galloway absent.

Mayor White stated that there had been a number of different approaches and arguments about centralization and de-centralization of these support services including Building Services and one approach was to really test whether the customers liked and appreciated the job that Building Services was doing, that there were compelling reasons for having people who were experts do certain things, that was the type of issue that Mr. Dadoush and his team could help them as a City address. Council Member Galloway absent.

After further discussion Council Member Goldberg stated that he would like to meet with someone from Building Services to find out if they could get involved more in the process and would add his tag to the item. Council Member Galloway absent.

30. ORDINANCE approving and authorizing contract between the City and **NOVUS WOOD GROUP, L.P.** for Residential Wood Waste Recycling; providing a maximum contract amount - 1 Year with four one-year renewals - \$250,000.00 - General Fund – was presented. Council Members Galloway and Berry absent.

Council Member Goldberg stated that part of the process with Item No. 30 was making

into mulch and reasonable products from the tree branches and so forth and knew the Parks Department had a great need for it, that they probably needed more than they could produce and was wondering why there could not be some sort of agreement that they be able to buy all of the mulch they produced, that he thought it would be a cost savings to the Parks Department. Council Members Galloway and Berry absent .

Council Member Goldberg moved to suspend the rules to hear from Mr. Buck Buchanan at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Quan and Berry absent. MOTION 2004-0412 ADOPTED.

Upon questions by Council Members, Mr. Buchanan stated that he did not know if the company sold products to the Parks Department but did know that for them to give a price break for the sale of mulch to the Parks Department to make their business equation work they would have to charge the Solid Waste Department more to take it, so he was sure they could work some swap in there, that what they had done was arrive at a contract to take the wood waste product at a price that was almost exactly equal to what they paid to put it in a landfill and at a site that was more convenient than a landfill was, so their benefit was not financial it was a benefit in terms of saving time and doing the green thing.

After further discussion by Council Members, Council Member Sekula-Gibbs stated that she understood that some of the cities around the Nation were using a process whereby they were able, instead of contributing to a landfill or sludge, to use some of the product and create some high quality compost and asked if they could have a conversation, possibly as part of the Health sub committee that had just been formed under the Neighborhood Protection Committee, and see if there was an opportunity to be more environmentally friendly and also save some money, and Mr. Buchanan stated that he had some information on cold composting, that sewage sludge was an excellent feed stock for composting and would be happy to get with Mr. Vanden Bosch and perhaps they could both visit with her and provide her with whatever information they had available.

Council Member Quan asked if there was an urgency to pass the item today, and Mr. Buchanan stated there was no urgency, and Council Member Quan stated that he would like to tag the item and Council Member Sekula-Gibbs requested her tag be added to the item also.

31. ORDINANCE appropriating \$196,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract between the City of Houston and **KELLOGG BROWN & ROOT, INC** for Construction of Water Lines to serve the Greens Bayou Fabrication Yard Development, CIP R-0802-20-03 - **DISTRICT E – WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2004-0335 ADOPTED.
37. ORDINANCE appropriating \$284,662.45 out of General Improvement Consolidated Construction Fund, awarding construction contract to **C. F. MCDONALD ELECTRIC, INC** for Construction of IT Department Low Voltage Feeders for Core Facilities, GFS D-0113-05-03; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2004-0336 ADOPTED.
60. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Booting Fees for Parking Citation Enforcement; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2004-0337 ADOPTED.
61. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Truck Loading Zones; containing findings and other provisions relating

to the foregoing subject; providing for severability – was presented, and tagged by Council Members Alvarado, Galloway, Quan, Khan and Sekula-Gibbs.

Council Member Quan stated that a related item to Item No. 61 was the parking meters in downtown Houston and would mention to Mayor White that there had been expressed concern by people in the Theater District about wanting a meeting with the administration to go over it before it came to City Council, and Council Member Alvarado stated the meeting had been set up with various stake holders and would make sure they would get notice out to all the Council offices, and Mayor White stated that he appreciated the leadership that the Mayor Pro Tem and Mr. Richard Lewis were providing in working with the Mayor's office on the issue.

62. ORDINANCE relating to Impairments and Obstructions of Roadways and Sidewalks; **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, and containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability – was presented, and tagged by Council Members Garcia and Galloway absent.

**MATTERS HELD** - NUMBERS 63 through 70D

63. RECOMMENDATION from Director Houston Airport System for approval of membership fees in Industry Organizations (Airport Council International & American Association of Airport Executives) for the period January 1, 2004 through December 31, 2004 - \$177,200.00 Enterprise Fund – **(This was Item 2 on Agenda of April 14, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0413 ADOPTED.
64. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Appointment of Alternate Appraisers for certain real estate transactions; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 11 on Agenda of April 14, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Wiseman offered the following motion to amend Item No. 64:

“Amendment to Agenda Item 64

A motion to amend agenda Item 64 regarding the appointment of Alternate Appraisers for certain real estate transactions. The amendment will add the following sentence to the end of Section 2-241 Subsection (b):

(b) When the alternate appraiser will be substituted for one of the regularly appointed appraiser, the director of public works and engineering or an authorized deputy or assistant director will notify city council in writing of the substitution”

Upon questions by Council Members, Mayor White requested Council Member Wiseman to explain the purpose of her amendment, and Council Member Wiseman stated that the only change was if the Council approved the ordinance amendment to allow the appointment of an alternate appraiser should that need be exercised by the Public Works Director or one of his assistants prior to taking that action the Council would be notified, therefore they would know it had taken place so if they had appointed someone who for whatever reason was not able to fulfill those duties at least the Council Members were made aware of it and were knowledgeable of the action but would not have the delays if it was something that would have to come back to City Council for a second round.

After further questions and discussion by Council Members, Mr. Hall stated that it was his understanding that the proposed ordinance that Council Member Wiseman was amending would require at the time that the appointments were made that the Council Member would appoint three so that there would be notice that they were switching to an alternate that they

had nominated, that what Council Member Wiseman was proposing to do was just give notice, that maybe it could have been written a little clearer.

After further discussion by Council Members, Mayor White asked if Council Member Wiseman would consider the following amendment to her motion:

(b) When ~~it is contemplated that~~ the alternate appraiser will be substituted for one of the regularly appointed appraiser, the director of public works and engineering or an authorized deputy or assistant director will notify city council in writing of the ~~contemplated~~ substitution", seconded by Council Member Alvarado.

Council Member Alvarado moved to remain in session beyond the scheduled noon recess to complete the Council meeting, seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2004-0414 ADOPTED.

After further discussion a vote was called on Council Member Wiseman motion to amend Item No. 64. Council Members Quan, Edwards and Khan voting no, balance voting aye. MOTION 2004-0415 ADOPTED.

After further discussion a vote was called on Item No. 64 as amended. All voting aye. Nays none. ORDINANCE 2004-0338 ADOPTED AS AMENDED.

65. ORDINANCE appropriating \$1,000,000.00 out of Homeless and Housing Consolidated Fund and approving and authorizing City of Houston to enter into contract with **HOUSING AUTHORITY OF THE CITY OF HOUSTON**, to provide funding for Handicap Accessibility Improvements to various public housing developments - **DISTRICTS B - GALLOWAY; D - EDWARDS; F - KHAN; H - GARCIA and I - ALVARADO** – **(This was Item 18 on Agenda of April 14, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. ORDINANCE 2004-0339 ADOPTED.
66. ORDINANCE appropriating \$552,555.00 out of Airport System Consolidated 2000 AMT Construction Bond Fund; authorizing the expenditure of \$1,493,945.00 out of funds appropriated by Ordinance 2003-664; approving the purchase of approximately 55.55 acres of land out of the J. B. Brockman Surveys, A-1647 and A-1648, Houston, Harris County, Texas, for the Expansion of Hobby Airport CIP A-0170 and the Jahnke Fire Training Facility, CIP C-0068; approving purchase and sale agreement with **LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.**, to acquire the land - **DISTRICT E - WISEMAN** – **(This was Item 19 on Agenda of April 14, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0340 ADOPTED.
67. ORDINANCE appropriating \$450,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional traffic engineering services contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for Signal Timing Optimization and Implementation, GFS N-0650-16-2 (SB9050-04); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – **(This was Item 31 on Agenda of April 14, 2004, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0341 ADOPTED.
68. ORDINANCE appropriating \$330,000.00 out of the Street & Bridge Consolidated Construction Fund as an additional appropriating under professional engineering services contract between the City and **SADEGHPOUR & ASSOCIATES, INC d/b/a SCIENTECH** (approved by Ordinance No. 2000-0077) CIP N-0445-N-20-2 (SB9005) - \$292,096.00 - General Fund – **(This was Item 33 on Agenda of April 14, 2004, TAGGED BY COUNCIL MEMBER GREEN)** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0342 ADOPTED.

34. ORDINANCE appropriating \$234,000.00 out of Solid Waste Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **EPSILON ENGINEERING, INC** for Two Neighborhood Depositories for Solid Waste Management, CIP L-0043-01-2; providing funding for contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; H - GARCIA and I – ALVARADO** – was again before Council. Council Member Goldberg absent.

Council Member Holm stated that she was a little bit confused on the item and asked if they were bidding to design two depositories because they would get a better deal for two, of which they only had plans to build one, and Mayor White asked if they could get a report from Mr. Buck Buchanan.

Council Member Alvarado moved to suspend the rules to hear from Mr. Buck Buchanan, Director, Solid Waste Department, at this time, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0416 ADOPTED.

Mayor White asked Mr. Buchanan if he could address the issue posed by Council Member Holm, and Mr. Buchanan stated that they would build two, they could not afford to staff the second one for probably 24 months, that it would have to be designed at some point and time and was absolutely needed between Districts H and B in the near northside, that it was a question of budget priorities this year and they would save a significant amount in the design when they did two of them at a time, that the one they were replacing in southeast Houston was in a horrible state of repair and was very nearly unsafe to use and the overpass over the railroad was going to take about half of it when they build it next year, but there was no question that they needed and must place a neighborhood depository in the near northside and they felt like they ought to save money on the design by combining with the design of the one they would replace, that it was correct that they did not even have the second site, that the design would not need to change, but depending on the site some of site specific geologic data could change, but both of them would look the same, the concrete would be the same height and the size of ramps and so forth, it was just a matter of how it would be laid down on the ground and what was under the surface, that if they designed one facility he believed the cost was estimated to be \$140,000 to \$150,000, that his recommendation was that it must be built in the near future to satisfy the demand in the near northside. Council Members Goldberg and Quan absent.

Council Member Holm stated that she would tag the item so they could work on it during the week. Council Members Goldberg and Quan absent.

Mayor White stated that the item had been tagged and would also say to them that he found the Solid Waste Department, Mr. Buchanan in particular, were extremely cost conscious, that it was a very efficiently run department. Council Member Wiseman absent.

Council Member Khan stated that he wanted to add his name to the tag, and asked Mr. Buchanan what was the difference between the two facilities in terms of use, and Mr. Buchanan stated that he did not have any data for the one in the near northside because they did not have one, but the one at Lawndale had about 30% more use than the other two they had in operation, that they had about 5,200 customers a month at the Lawndale location, that he anticipated that the structures for the two facilities would be nearly identical, it was the layout and Geo, the foundations, that would be different between one and the other.

Council Member Ellis stated that he wanted to release his tag on Item No. 16.

16. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2004A; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; awarding the sale of the bonds and

authorizing execution of a purchase contract; authorizing the Mayor and City Controller to approve the amounts, interest rates, prices and terms of such bonds, the bonds to be refunded thereby and certain other matters related thereto; authorizing the purchase of a policy of Municipal Bond Insurance; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; authorizing the defeasance of certain outstanding bonds, the execution and delivery of an Escrow Agreement, the purchase of and subscription for certain securities and the use of certain funds related to the bonds to be defeased; authorizing escrow verification; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement; a Co-Bond Counsel Agreement and Special Disclosure Co-counsel Agreement; and declaring an emergency – was again before Council, and tagged by Council Member Goldberg.

Mayor White asked Ms. Judy Johnson, Director, Finance & Administration Department, asked what a tag did, and Ms. Johnson stated that having more time to do anything was always better, that as far as anything that would go wrong they certainly could not say that anything would go wrong, what could go wrong was that the interest rates could change and the market could move against them, that they were trying to look at a week for pricing the bonds when it was the week before they did the water and sewer deal so they would not be competing with their own bond issue, that they would like to have approval to go ahead to make sure they could do that, and Mayor White asked if the item was sufficient in and of itself to authorize a GO debt refinancing or were there other items on the agenda next week that would be needed, and Ms. Johnson stated no, it was a stand alone, and Mayor White asked Council Member Goldberg if there was any particular item that the City or its financial advisors could clarify at the Council table, that he did have the right to tag the item, but he was trying to provide information, that they needed to do everything sooner rather than later on the item because of his concerns about development that had occurred within the last two weeks if the trends continued, and Council Member Goldberg stated that there were a number of questions that would take longer than they had at the Council table that he would like to take the time to get answered. Council Member Berry absent.

Council Member Goldberg stated that on the request of Council Member Garcia he was going to release his tag on Item No. 5, that his tag was about design flaws and the fact that he was not confident in the effort they were trying to make in collecting for design flaws. Council Member Ellis absent.

5. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 12 in the amount of \$70,528.00 on contract with **THE TREVINO GROUP, INC** for Construction of Fire Station 27, GFS C-0072-01-3 - CDBG Funds - **DISTRICT H – GARCIA** – was presented, previously moved by Council Member Garcia, seconded by Council Member Green. Council Member Ellis absent.

Council Member Garcia stated that he wanted to thank his colleague for his support on the item, that he would not be asking him for the release if he did not have confidence in the administration, that he had gotten assurances from Mr. Dadoush on the item that it was on the radar and appreciated Council Member Goldberg's cooperation. Council Member Ellis absent.

After further discussion a vote was called on Item No. 5. All voting aye. Nays none. Council Member Ellis absent. MOTION 2004-0417 ADOPTED.

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

Council Member Sekula-Gibbs stated that she wanted to thank one of Houston's public information officers, Ms. Debra Veal, who had done an excellent job in the Public Information Office with the proclamations for outstanding Houstonians and wanted to recognize her high

caliber performance and compliment her on her good work for the City of Houston, that she was a fine example for other employees to follow. Council Member Lawrence absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate and truly thank the two interns who had been working very hard in her office, that she was sad to say they would be leaving, Ms. Emily Sabrsula and Ms. Danna Cassanova, that she knew they would do very well in the future, that they had both come from the University of Houston and performed extremely well and knew they would do very well in their future. Council Member Lawrence absent.

Council Member Sekula-Gibbs stated that it was her pleasure to welcome, in absentia, the new Health Director, who would be coming on to take over the reins of the Health Department, Mr. Steven L. Williams, who would be joining them from Austin Travis County and would like to officially welcome Mr. Williams to that post and the City of Houston. Council Member Lawrence absent.

Mayor White stated that they owed so much to Mr. Michael Gin, the President Emeritus of Saint Luke Episcopal Hospital, the President Emeritus to the UT Health Science Department and Ms. Elena Marks and others who helped them in an exhaustive interview process, that he thought people would be very impressed with Mr. Williams, he would have been present to meet with Council Members except between the time he notified his employees in Austin, who hated to see him go, and now, his mother took seriously ill, but he would be meeting with individual Council Members in the near future. Council Member Lawrence absent.

Council Member Khan stated that there was a situation in his district, with one of his constituents who lived at 8103 Mobile Drive, Ms. Sharon Turner, that the City of Houston installed a new meter and they messed it up and because of that she intended incurring damages in the amount of \$335.44, that the City Legal Department sent her a letter saying that the City had immunity as a governmental entity and would not pay for the damages caused by the City, that it seemed in the least unfair to the citizen that she ended up paying hundreds of dollars for the damages that were caused by the City, that they had contacted the Legal Department to see if anything could be done about that. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Khan stated that in the Hillcroft and Bissonet area a lot of vendors who came by on the weekend and occupied the vacant lots most of the time without the permission of the lot owners to sell their goods without any permits or permission, that not only was it causing an eyesore to the neighborhood but also it was a situation where it was a health and safety hazard when the vendors were there without any permit or authorization, so he would request that the Mayor have somebody take a look at the ordinance regarding vendors. Council Members Lawrence, Goldberg, Wiseman and Sekula-Gibbs absent.

Mayor White stated that there were some policies and thought it would be worthwhile if somebody in the Legal Department discussed the policies of sovereign immunity and what would be the consequences if they changed those policies because they could not do it with respect to one claimant. Council Members Lawrence, Goldberg, Wiseman and Sekula-Gibbs absent.

Council Member Quan stated that he wanted to express his disappointment that they were not able to pass the resolution in support of the plan to end homelessness, that as they knew the Inter Agency Council had contacted the City of Houston because it was a requirement of HUD, it was not that they were trying to tell the federal government what to do, but to tell the federal government that they were responsive and a City that cared, that the item came before their Neighborhood Housing and Redevelopment Committee on Tuesday and they had a presentation by the Coalition For the Homeless, and also serving on the Blue Ribbon Committee were the United Way, HUD Representatives, Bishop Fiorenza, County Commissioner Lee and County Judge Eckels, that he hoped the matter could get resolved next

week, and thanked the administration for their support of the effort. Mayor White and Council Members Lawrence, Goldberg, Wiseman and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that they had Asian American Heritage Month coming up in May, that each Council Member received a packet at their desk, that the kickoff would be next Thursday, April 29, 2004 at Chase Bank, that there were a number of events planned, including a parade in the Midtown area, which had been an area that had long had a Vietnamese population and Mayor White had indicated his support for the naming of that area as Little Saigon, so he hoped that Council Members would take time to participate in some of the activities, that the theme this year was "Many Cultures One World", that he wanted to thank the administration and encouraged participation. Mayor White and Council Members Lawrence, Goldberg, Wiseman and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Berry stated that he wanted to remind his colleagues that Monday at 2:00 p.m. they were starting sharp so that they could get every speaker in who wanted to discuss the towing ordinance. Mayor White and Council Members Lawrence, Goldberg, Wiseman and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that the Scenic Woods Library had been closed since June 2003, they ran into some mold problems at that library and they said the reason it was going to take until June 2005 was because they had to do a redesign after they found the mold and leak in the roof, that she thought it was unacceptable and she had spoken to Mr. Dadoush and he said he was going to try and expedite it so the completion of that Library would be around March 2005, that she wanted administration to maybe intervene and see if they could expedite it and have the library complete by the end of this year. Mayor White and Council Members Lawrence, Goldberg, Khan, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. NO QUORUM PRESENT

Council Member Galloway stated that on the Mesa Road project they were already on Phase I and she wanted to be sure they got an RCA so they could immediately go into Phase II because the project had been on the drawing table for years, that she wanted the administration to look into that too so they could expedite it too. Mayor White and Council Members Lawrence, Goldberg, Khan, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. NO QUORUM PRESENT

Council Member Green stated that he had passed out a flier for a seminar on Saturday, April 24, 2004 that his office was sponsoring called "The Nuts and Bolts of Community Development", that the event was at the George R. Brown from 9:45 a.m. to 2:00 p.m., that there would be free surface level parking and breakfast and lunch would be provided as well, that he would encourage his colleagues to let anyone from their district know about it because it was open to everyone. Mayor White and Council Members Lawrence, Goldberg, Khan, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. NO QUORUM PRESENT

Council Member Green stated that next weekend, from April 30<sup>th</sup> through May 2, 2004, the University of Houston Black Alumni Association was hosting its Spring Fling weekend, there would be a comedy show and picnic as well as other activities geared towards getting alumni back to the school and also recruiting new students and he would encourage everyone to visit the website, [www.uh.edu](http://www.uh.edu) to find out more information. Mayor White and Council Members Lawrence, Galloway, Goldberg, Khan, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. NO QUORUM PRESENT

Council Member Edwards stated that she would like to have someone look at the possibility of how they select board appointees and department managers or chairs, that she did not know if they needed to have a committee that had an opportunity for Council Member to

have input into what they were looking for, that one of the problems she had as a District Council Member was trying to explain what was or was not happening on boards when she had no ability to input on who got onto the boards, especially when they were looking at the Housing Authority and the Pension Boards, she thought it was important for them as Council Members to at least have input. Council Members Lawrence, Galloway, Goldberg, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Mayor White stated that he appreciated her comments and as in the case of the Police Chief the issues that some of the Council Members had raised and were so important to the community were issues that were discussed and evaluated in coming up with a criteria for a candidate, that they had the issue with confidentiality with the Director of the Health Department, that he wished Mr. Williams could have been in Houston immediately and handled in the similar fashion that they did with Council Members on Chief Hurtt, that he believed they would see some of the same reaction in the community when people meet Mr. Williams that they did with Police Chief Hurtt, but her point was well taken. Council Members Lawrence, Galloway, Goldberg, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Council Member Garcia stated that a dear friend and member of the Houston Hispanic media recently passed away, Mr. Hector Martinez, who was a long time report with Telemundo Channel 48 and did some freelance work with TV Azteca, and asked for a moment of silence in Mr. Martinez's memory. Council Members Lawrence, Galloway, Goldberg, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Council Member Garcia stated that he wanted to commend a civilian member of the Houston Police Department who really enabled their Northside community to come together and really put in a lot of his own time to organize the effort against the bar, "Blow and Go Cantina", that the bar had filed an appeal but they were going to stay and keep the fight, that he wanted to recognize Mr. Mike Martinez of the Houston Police Department Outreach Division for his effort. Council Members Lawrence, Galloway, Goldberg, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Council Member Garcia stated that ACORN would be having a Fair Housing event that his office was sponsoring at Booker T. Washington High School at 10:00 a.m. and encouraged everyone to attend. Council Members Lawrence, Galloway, Goldberg, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Council Member Garcia stated that there would be a cleanup of the Olivewood Cemetery, one of Houston's oldest African American cemeteries which had been neglected, that there would be a massive cleanup coordinated. Council Members Lawrence, Galloway, Goldberg, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Council Member Garcia stated that as to the Health Directors appointment he would encourage the administration to have discussion or thoughts on the development of a Hispanic health agenda or strategy for Houston's Hispanic community that there a lot of issues there as well and they would like to hear his thoughts on those items in particular. Council Members Lawrence, Galloway, Goldberg, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Council Member Garcia stated that Mr. Robert Fiederlein was out on Saturday at Shady Acres looking at a lot of issues related to water sheds and un-maintained bayous and wanted to commend Public Works for staying in touch with his office. Council Members Lawrence, Galloway, Goldberg, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Council Member Holm stated that tonight at 6:00 p.m. to 7:30 p.m. at the Tracy Gee

Community Center would be the first NAC meeting, the Neighborhood Advisory Council for District G and they had invited a representative from every neighborhood and community in District G to represent their area on the Council, that they would be defining goals for District G. Council Members Lawrence, Galloway, Goldberg, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Council Member Holm stated that Project Cool boxes were throughout the City for a project sponsored by District G office as well as the University of Houston Graduate School of Social Work, the Coalition of the Homeless of Houston and Harris County and what they were asking for was contributions of bug spray, bottled water, sun screen, tooth brushes and tooth paste that would serve the citizens that were currently on the street. Council Members Lawrence, Galloway, Goldberg, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Council Member Holm stated that May 15, 2004 was a very important upcoming special election for the City and in the upcoming weeks she would have several opportunities before different groups to address the issues for the pension fund and would urge her colleagues to take every opportunity to educate the citizens of Houston of the importance of the vote, that early voting would begin on April 28, 2004. Council Members Lawrence, Galloway, Goldberg, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 1:00 p.m. upon MOTION by Council Member Holm, seconded by Council Member Garcia. Council Members Lawrence, Galloway, Goldberg, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary