

City Council Chamber, City Hall, Tuesday, May 18, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 18, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Carol Alvarado, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer; Mr. Arturo Michel, City Attorney; Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Members Adrian Garcia and Mark Ellis out of the city on city business.

At 1:49 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Quan. Council Member Quan stated that today they were honoring a man who gave so much of his time to make the City of Houston a better place; that he and his wife were leading lights in the community and invited Mr. Mike O'Brien and, his wife, Karen to the podium. Council Member Quan stated that active civic involvement greatly enhanced the quality of life enjoyed by all Houstonians and Mr. O'Brien and done much and earned the respect and admiration of all those who worked with him; and presented him a Proclamation saluting him, his outstanding contributions and proclaimed May 18, 2004, as "Mike O'Brien Day", in Houston, Texas. Mr. O'Brien thanked Council for the honor and stated that he and his wife were truly blessed to have so many friends and supporters. Rep. Martha Wong was invited to the podium and stated that when she found out about his being honored she wanted to be apart of it and presented him with a flag which had flown over the State Capital in Austin, Texas on Independence Day. Council Members Lawrence and Berry absent.

Council Member Sekula-Gibbs invited representatives from the EMS services to the podium and stated that today they were celebrating National Emergency Medical Services Week; that emergency medical services was a system of care for victims of sudden and serious illness and injury and each day area residents benefited from the knowledge of those trained individuals; that Houston EMS was celebrating 33 years of service and recognized world wide; and presented a Proclamation to Chief Boriskie commending all on who dedicated their lives to saving the lives of others and proclaimed the week of May 16 through May 22, 2004, as "National Emergency Medical Services Week", in Houston, Texas. Chief Boriskie stated that he wanted to extend congratulations and appreciation to Mr. Tim Hayes, one of the first paramedics the department had, and thank him for the work he had done. Council Members Goldberg, Wiseman and Berry absent.

Mayor White stated that his story was just another one of many from the community but everyday EMS touched the lives of families and a couple of weeks ago his brother was working and someone had to call EMS; that his heart stopped in the ambulance and they revived him, but through no ones fault he did not last the day; that EMS made literally a difference in lives everyday and to them and those who support them there were many, many grateful people in this city. Council Members Goldberg, Wiseman and Berry absent.

Council Member Edwards stated that one honor she got was meeting young people who did extraordinary work for the community and city and one was Miss Emily Langdon and invited her and her mother to the podium. Council Member Edwards stated that Emily was an intern in her office and a real worker; that she did many things beyond the call of duty and was recently hired as executive director for the Metropolitan Volunteer Program at the University of Houston and she was expecting large things from her; and presented her a Proclamation for all her works. Miss Langdon stated that she had a great experience with Council Member Edwards and the rest of Council and hoped this was the beginning of her political career. Miss Langdon's mother stated that she had been proud of her daughter since birth. Council Members Goldberg, Wiseman and Berry absent.

Council Member Edwards invited Mr. Jon Vanden Bosch to the podium and stated that in recognition of Public Works Week, public works was an intricate part of every day lives as the

safety and comfort of the community greatly depended on those facilities and services; and presented Mr. Vanden Bosch a Proclamation extending best wishes for a successful and rewarding event and proclaimed May 16 through May 22, 2004, as "National Public Works Week", in Houston, Texas. Mr. Vanden Bosch stated that this happened once a year and this time he would like to dedicate it to the 1,000 employees who stayed late to see that all was being taken care of when everyone else was in a rush to leave and head home and he dedicated the award to them. Council Members Goldberg and Berry absent.

Mayor White stated that a citizen in the room had done an incredible amount for the community and never sought recognition and invited Mr. Earl Swift to the podium. Mayor White stated that Mr. Swift started his own company, Swift Energy, and now it was one of the largest energy companies in the United States; that he was looking for ways to help the community and Mr. Swift had been a pillar of strength in Interfaith Care Partners which was sixteen ministers and leaders who decided someone needed to be with lonely people dying of HIV/AIDS and now that had spread and there were over 6,000 volunteers; that they also dealt with families who had young people with chronic problems; and he wanted to thank his friend, the friend and employer of many. Mr. Swift stated that after the Mayor's election he said if there was anything he could use his office for to help Interfaith Care Partners to let him know and the Mayor thought that he was just checking up on him today, but he was really going to ask another favor. Council Members Goldberg, Edwards, and Berry absent.

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

At 2:22 p.m. the City Secretary called the roll. Council Members Garcia and Ellis out of the city on city business. Council Member Edwards absent.

Council Members Galloway and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Garcia and Ellis out of the city on city business. Council Member Edwards absent. MOTION ADOPTED.

Council Member Green moved that the rules be suspended for the purpose of grouping all speakers on the layoff of city jailers together starting with Margo Trevino, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Garcia and Ellis out of the city on city business. Council Member Edwards absent. MOTION 2004-0510 ADOPTED

Council Member Wiseman moved that the rules be suspended for the purpose of hearing Mr. Sam Said, Ms. Marci Castellanos, Ms. Patsy Shears, Ms. Suzanne Poole, Ms. Gracie Yerena, Ms. Jeanett Rash, Mr. Ken Ulmer and Ms. Olga Carmona out of order, seconded by Council Member Green. All voting aye. Nays none. Council Members Garcia and Ellis out of the city on city business. Council Member Edwards absent. MOTION 2004-0511 ADOPTED

Mayor White asked the City Secretary to remind all of the Rules of Council; and the City Secretary stated that under the Rules of Council if the total time for speakers was greater than 150 minutes each speaker's time would be one minute and under the provisions of the subsection when it was invoked the question time for Council Members would be limited to a total of one minute for each speaker; and so today all speakers would have one minute to speak.

Mr. Jonathan Bruce, 3700 Montrose, Houston, Texas 77006 (713-782-6857) appeared and stated that he was attorney for the Texas Towing and Storage Association in Texas and spoke against Item 35, stating that he had been involved in practically every towing case in the nation in the last five years and the current proposal was overly restrictive to the 21 companies and the fee schedule was limited and it was very susceptible to a preemption challenge under the definition of non-consent tow. Council Member Galloway absent.

Upon questions by Council Member Wiseman, Mr. Bruce stated that he litigated a case against the City of Houston and got rid of the E-tag system and he litigated cases against San Antonio with a single provider contract system and he was very aware of federal preemption. Council Member Wiseman stated that she would like the names of those cases for reference. Council Members Galloway, Sekula-Gibbs and Green absent.

Mr. Darren Bush, 100 Law Center, Houston, Texas 77004 (713-743-3346) appeared and spoke against Item 35, stating that he was with the University of Houston Law Center and represented no one; that questions he would raise would be whether the proposal violated the antitrust laws and whether state statute granted exemption to the city against those laws; and he felt the proposal was a territorial allocation scheme. Council Members Galloway, Edwards, Sekula-Gibbs and Green absent.

Council Member Khan stated that the proposal by Mr. Saperstein seemed to be a model which was being used in New York at this time; and upon questions, Mr. Bush stated that cases he had reviewed challenging towing regulations had not raised to any great degree antitrust questions, they had all been preemption questions addressed by Mr. Bruce. Council Members Galloway, Edwards, Sekula-Gibbs and Green absent.

Mayor White stated that there was one city which was the first to have an antitrust violation assessed against it on terms of horizontal market division, an affiliated capital case and he was that attorney. Council Members Galloway, Edwards, Sekula-Gibbs and Green absent.

Council Member Berry asked Mr. Bruce to come to the podium and upon questions Mr. Bruce stated that a \$50,000 number was floating around and that was a problem, it was not in the ordinance. Council Members Galloway, Edwards, Sekula-Gibbs and Green absent.

Council Member Wiseman called for a point of order and stated that Council Rules were very explicit that Council Members questions could only total one minute and if Council Members wanted to question speakers further they could ask the speakers to stay until the end of session and the second point of order had to do with a previous speaker approaching the mike and not entitled to address the Chamber. Mayor White stated that it was the Chair's fault; that Council Member Berry was next to be recognized; that point was noted and he would sustain the point of order. Council Members Galloway, Sekula-Gibbs and Green absent.

Mr. A. J. Franklin, 5759 Westover, Houston, Texas 77033 (713-734-1590) had reserved time to speak but was not present when his name was called. Council Members Galloway, Quan, Sekula-Gibbs and Green absent.

Mr. Tom Balle, 2008 S. Wayside, Houston, Texas 77023 (832-473-0994) appeared and stated that he wanted to give his minute to Mr. Manuel and supported what he was to say. Council Members Galloway, Quan, Sekula-Gibbs and Green absent.

Mr. Terry Manuel, 6719 McKeever, Houston, Texas (281-997-8697) appeared and stated that he thanked Council Members who met with them and opened doors and listened; that as a wrecker operator and manager he would like to say the problem was rumors and innuendos and they would like to see the Mayor's entire plan on the table and in black and white so possibly they could make a fair decision and either join or oppose his team; that they had gone to the mobility manager meetings and treated like take it or leave it. Council Members Galloway, and Sekula-Gibbs absent.

Mayor White stated that he appreciated his statement and he posed a question and if there was time after the next speaker. Council Members Galloway and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Mr. Manuel stated that they attended meetings and were under the impression they were going to receive information which would further

knowledge them with the Mayor's Mobility Program, but in the meetings they received no paperwork and the few members they did deal with who were assistants to Mr. Saperstein did not know what was going on with the left or right hand. Council Members Galloway and Sekula-Gibbs absent.

Council Member Lawrence moved that the rules be suspended for the purpose of extending time for discussion of Mr. Terry Manuel's remarks, seconded by Council Member Green. All voting aye. Nays none. Council Members Garcia and Ellis out of the city on city business. Council Members Galloway, Goldberg and Sekula-Gibbs absent. MOTION 2004-0512 ADOPTED

Mayor White stated that Mr. Manuel had a good point, people could not evaluate a moving target; that he wanted to say this was something that was a work in progress and they were learning from people and Members of Council and they were making modifications as they went along, but on his point people needed to know and had fair entitlement to know what was coming up for a vote before it came to a vote. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Mr. Charlie Schoen, 16411 Luthe Lane, Houston, Texas 77032 (713-443-3454) appeared and stated that his time could just be cancelled; that he came all the way from Intercontinental Airport and he did not come for just sixty seconds and wanted all three of his minutes like he was told. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Mr. Edgar Colon, 3000 Wesleyan, Houston, Texas 77027 (713-520-1064) appeared and stated that he represented the Houston Professional Towing Association and the proposal his group distributed last Friday they thought addressed many concerns expressed by their members, Council Members and the Administration, it had commonsense suggestions and they believed the proposed ordinance was overly broad reaching with many antitrust problems and preemption problems and they did hope they would receive more information from the Office of Mobility. Council Members Galloway and Goldberg absent.

Council Member Quan stated that he appreciated them offering constructive suggestions; that it was alleged the industry had not begun in dialogue and had a take it or leave it attitude by the Administration; and upon questions, Mr. Colon stated that they were not provided information and were being told something would be out, but then they received nothing and no calls; and they were told some things were nonnegotiable. Council Member Galloway absent.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of extending time for questions of Mr. Edgar Colon, seconded by Council Member Khan. Council Member Wiseman voting no. Balance voting aye. Council Members Garcia and Ellis out of the city on city business. Council Member Galloway absent. MOTION 2004-0513 ADOPTED

Council Member Sekula-Gibbs stated that the document she just received broke down the proposals from the City of Houston to Ms. Rash's proposal and the Houston Towing Association's proposal; that she had asked for it and would be happy to share it with him; and upon questions, Mr. Colon stated that HPD had issued a letter stating they would enforce the four tow trucks at the scene and his groups proposal was six; that the officer at the scene had authority to say who stayed and who went; that also Transtar by their cameras could call off wreckers going to the scene. Council Members Galloway and Wiseman absent.

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

Mr. Sam Said, 8180 Southwest Freeway, Houston, Texas 77074 (281-330-0226) appeared and stated that regarding the Safe Clear Program many Council Members were

concerned about the safety, but now they were not zooming, the system was going now and there was over 130 last month moved with no assistance and no problems. Council Members Galloway and Wiseman absent.

Upon questions by Council Member Quan, Mr. Said stated that they were pleased with the system now, there was just some bugs to be cleaned out; that the ordinance tomorrow was not for safe clear and he would oppose the 21 segment; that safe clear was a qualification issue and the 21 segment and ordinance tomorrow was on pick and choose; that he would like Council Members to take the issue back to the Wrecker Committee and work it out and get a clear contract before it came for a vote. Council Members Galloway and Wiseman absent.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of extending time by 30 seconds for discussion, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia and Ellis out of the city on city business. Council Members Galloway and Wiseman absent. MOTION 2004-0514 ADOPTED

Upon question by Mayor White, Mr. Said stated that on the Safe Clear Program the first who came would receive the tow. Council Members Galloway and Wiseman absent.

Ms. Marci Castellanos, 1011 Goldberg, Houston, Texas 77017 (281-773-4747) appeared spoke against Item 35, stating that she was against the 21 zones; that they already had four wreckers at the scene and it was working fine; that she was against Mr. Saperstein's proposal as it would keep many from working the freeway and put them out of business. Council Members Galloway and Wiseman absent.

Upon questions by Council Member Khan, Ms. Castellanos stated that she was familiar with the Safe Clear Program on I-10 at this time; that the first truck received the tow and she was happy with that. Council Members Galloway and Wiseman absent.

Ms. Patsy Shears, 406 E. Camino, Houston, Texas 77037 (832-473-1809) appeared and stated that she was a small business owner in the towing industry and thought they needed to focus on a plan which could benefit everyone; that it should be in the safety issues and they should not increase the premium insurance requirements or permit fees and it should not be divided into 21 segments; that all those tactics were aimed at pure profit and not focused on traffic management; that a price tag could not be placed on safety; and urged that safety be placed first. Council Members Lawrence, Galloway, Wiseman and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Ms. Shears stated that she thought the proposals should be looked at and see what would benefit the large and small companies and also look at the safety issue and not focus on profit. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Ms. Suzanne Poole, P. O. Box 1035, Missouri City, Texas (281-438-5427) appeared and stated that she was speaking on behalf of the Houston Professional Towing Association; that they were all concerned about traffic mobility and citizens safety; that they understood concerns on too many wreckers and prices of tows and they had addressed all concerns in their proposal except one, it would not let the city make over \$1,000,000 off their industry but the plan could be started July 1st and go from July 4th through December 31st and then be reassessed by the city; that all trucks would be ready and all they needed would be radios in them for Transtar. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Council Member Khan stated that he had several meetings with many groups on the subject and one question he always asked was how did they answer the basic safety issue and until the industry came up with a clear answer as to why their plans met those safety concerns it served no purpose and he would ask if they did have those suggestions on addressing that question he would like to know otherwise he saw no reason for debating the issue. Council

Members Galloway, Edwards, Wiseman and Sekula-Gibbs absent.

Ms. Gracie Yerena, 6619 Alfano, Houston, Texas 77076 (713-298-7591) appeared and stated that she was present before and was a single parent who had a wrecker and did it all herself; that she took a loan on her home thinking with her business she would never be laid off, but now this was worse as she would have no job and higher house notes; that Council should be glad they were not out on the welfare line and it was wrong what they were doing. Council Members Galloway, Edwards, Wiseman and Sekula-Gibbs absent.

Council Member Goldberg thanked Ms. Yerena for coming and for working hard and not being on the welfare line; and upon questions, Ms. Yerena stated that she had been asked the question two times before, she worked mostly on freeways about 70% of her work. Council Members Galloway, Edwards, Wiseman and Sekula-Gibbs absent.

Ms. Jeanett Rash, 2104 Lyons, Houston, Texas 77020 (713-228-8872) appeared and stated that no one in the room wanted to support a congestion management system more than she, but they needed to find out what worked and that was the whole concept with Safe Clear, they did a pilot program in an area where it was needed to see what worked; that even those in the Mobility Plan agreed it was a cool system; that she read his editorial and expanded it to let all those who wanted to meet the bar participate and it could be done; that everything was in place to do it, but there was so much fear that mixed signals and information was being given and that was unfair; that she wanted to support the Mayor 100% but needed to see a document. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Upon questions by Council Member Berry, Ms. Rash stated that she supported what she had to do to make traffic management in her industry work; that she had a couple of problems, the \$50.00 tow fee and she wanted to see a map of the 21 zones to see how it would intermix with what was being done. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Council Member Alvarado moved that the rules be suspended for the purpose of extending time for questions of Ms. Jeanett Rash, seconded by Council Member Goldberg. All voting aye. Nays none. Council Members Garcia and Ellis out of the city on city business. Council Members Galloway, Wiseman and Green absent. MOTION 2004-0515 ADOPTED

Mayor White stated that Ms. Rash was right, there may be areas where there is conflict with people and such things and public and private interest, but she always shot straight when he dealt with her; and upon questions, Ms. Rash stated that they had no problem with first truck getting the tow, that was Safe Clear. Council Members Galloway, Wiseman and Green absent.

Council Member Berry asked that Mayor White address the \$50,000 number; and Mayor White stated that he believed they should not view this as principally a revenue raising device; that they wanted it safer, to remove vehicles more quickly and at rates reasonable to the public by people trained and certified to do it; that the issue was how then to do it if there were to be procedure in areas of responsibility for which people were held accountable, how you would do something with an open transparent competitive process for that to occur, but there should be no minimum, they wanted more service not less. Council Members Galloway, Wiseman and Green absent.

Mr. Ken Ulmer, 1700 Brittmoore, Houston, Texas 77043 (832-250-7628) appeared and stated that he was concerned with whatever dollar figure it was to bid on the freeway segment; that he understood the need for a vested interest but if the dollar figure forced towing and storage operators to go into another business to be profitable, such as the body shop business, they had only enhanced the problem which plagued the industry since 1959 and people would be bidding to repair vehicles and not to provide quality towing and storage problems; that also if the fee did not allow them to make a profit a subsidy would have to make the difference; that it was his hope they could use what was learned through the Safe Clear Program to come up with

a solution for traffic congestion and he commended Mr. Saperstein for his diligence and can do attitude. Council Members Lawrence, Galloway, Wiseman, Sekula-Gibbs and Green absent.

Ms. Olga Carmona, 6716 Long Drive, Houston, Texas 77087 (713-545-0923) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Sekula-Gibbs and Green absent.

Ms. Louise Herron, 3720 Bell, Houston, Texas 77003 (713-515-6422) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Ms. Kennitha Caldwell, 6502 Mohawk, Houston, Texas 77016 (281-219-0810) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Mr. Douglas Taylor, 10026 Cheeves, Houston, Texas 77016 (713-631-1730) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Ms. Octavia Carrier, 8214 Bertwood, Houston, Texas 77016 (713-635-6269) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Ms. Bethola Jarmon, 8912 Grady, Houston, Texas 77016 (713-633-0287) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Ms. Odessa Yancy, 8202 Bertwood, Houston, Texas 77016 (713-633-7467) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Ms. Ethel Mae Alley, 1401 East 35th, Houston, Texas 77022 (713-861-3579) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Ms. Barbara Gastile, 7735 Bretshire, Houston, Texas 77016 (713-631-7233) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Mr. Lance Crego, 4021 Woodcraft, Houston, Texas 77035 (713-660-9960) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Ms. Ernestine Colemary, 4533 Red Bud, Houston, Texas 77051 (713-734-2435) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Mr. Dell York, 8855 Gulf Freeway, Houston, Texas 77017 (713-408-8181) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Ms. Andrian Warfield, 16101 Imperial Valley Drive #1403, Houston, Texas 77060 (832-867-4953) appeared, presented a DVD and stated that she was present on behalf of HIV and AIDS; that she was HIV positive and they had a drama group which did an educational play which was what she had presented and she hoped to talk to the Council and Mayor. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Mayor White thanked Ms. Warfield for appearing and bringing the DVD and asked that she repeat the address of their play for those watching; and Ms. Warfield stated that it was at 6611 Bissonnet. Council Members Wiseman, Holm, Sekula-Gibbs and Berry absent.

Mr. Margo Trevinio, 8300 Mykawa, Houston, Texas 77031 (832-277-4907) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm, Sekula-Gibbs and Berry absent.

Ms. Janet Tillery, 8300 Mykawa, Houston, Texas 77033 (832-496-5661) appeared, presented information and stated that she represented the jailers at Southeast Mykawa and as of right now she was a laid off employee, simply for doing a job well done; that until now she thought her job was in the hands of the Mayor and Council and the vote was tomorrow, but as of today a letter was received by jail attendants stating their date of layoff was July 2nd and if she was already laid off what where they even voting on. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Galloway, Mayor White stated that there was no vote tomorrow and from what he understood the Police Department was presenting their budget in connection with the entire Administration's budget tomorrow and there were procedures within the City of Houston done for fairness of employees to give notice if there was a reduction in force; that what the speaker communicated was there were certain Administrative actions to give people notice so there could be other opportunities available within the City of Houston as those opportunities could not begin without that notice. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Mr. Larry Freeman, 4115 Liberty Road, Houston, Texas 77026 (713-673-1344) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Ms. Penny Hood, 5603 Cadillac, Houston, Texas 77021 (832-875-5783) appeared and stated that she had been a civilian jailer for 20 years and replacing them with police officers was at over \$8,500,000 added to the jail budget, it increased the risk of lawsuits, decreased the number of officers on patrol, increased the overtime budget and saving \$8,500,000 should be a concern to Council Members and the Mayor; that she wondered why the data entry operators and captain's secretary were not included in the layoff as they added into those figures. Council Members Galloway, Wiseman, Holm and Berry absent.

Council Member Khan stated that he had the memo from Chief Hurtt which stated that as of July 2nd the jailers were gone and his question was whether there were any real efforts to place them in other positions; and Mayor White stated that there were vacancies within the City of Houston identified and this was a serious matter dealing with people's lives; that Mr. Hall had been working on this and he thought it would be right for him to give a briefing; that some positions were identified for some of the jailers where they thought they would be competitive and he would like a briefing with the Chief Administrative Officer and Council Members when they had it pinned down and in addition they would present to Council something done with respect to other public and private entities which was to retain a firm with experience and specialization on helping people with workforce issues; and there were further questions by Council Member Khan and Mayor White stated that they would need a motion to extend time. Council Members Galloway, Wiseman, Holm and Berry absent.

Council Member Khan moved that the rules be suspended for the purpose of extending time for discussion of the remarks by Ms. Penny Hood, seconded by Council Member Quan. All voting aye. Nays none. Council Members Garcia and Ellis out of the city on city business. Council Members Galloway, Wiseman, Holm and Berry absent. MOTION 2004-0516 ADOPTED

Mayor White stated that Chief Hurtt was doing allocations within the department to make sure it did not lesson those for response; that this was a difficult situation, there was a number of retirements; the issue with respect to jailers whose job would not exist at the time it went to the county was whether they should accelerated the process and have some positions temporarily taken by officers who could go back on patrol or layoff officers and retrain new officer classes. Council Member Khan stated that if they were having to layoff people in the category he thought it appropriate and also thought everyone would expect them to look at all departments and look at senior positions; that in many situations they were top heavy in city departments and layoffs should not only go to those at that level; that it should be fairly shared by people in upper management and that would be his suggestion. Council Members Galloway, Wiseman, Holm and Berry absent.

Mr. Robert Williams, 19919 Gatlin Court, Katy, Texas 77449 (281-579-1674) appeared and stated that his job for the last eleven years was being eliminated and he was being replaced by an officer being paid twice the amount he was and they were calling that a savings; that he blamed the pay increase as the majority reason of the budget shortfall in the Police Department's budget; that without the raise they would have had a \$20,000,000 surplus; that Mayor White stated if Proposition I did not pass he would have to layoff employees and police services would be cut, but it did pass and they were still laying off and officers being cut; and a couple of weeks ago Council Member Goldberg asked Mr. Webb a couple of weeks ago if they wanted to prevent layoffs or did they want pension benefits and they got neither. Council Members Galloway, Wiseman, Holm and Berry absent.

Mayor White stated that he did not know the procedure, but there was questions and asked if someone would extend time as Mr. Hall was present and he could provide some detail on transition. Council Members Galloway, Wiseman, Holm and Berry absent.

Council Member Khan moved that the rules be suspended for the purpose of hearing from Mr. Anthony Hall for two minutes, seconded by Council Member Quan. All voting aye. Nays none. Council Members Garcia and Ellis out of the city on city business. Council Members Galloway, Wiseman, Holm and Berry absent. MOTION 2004-0517 ADOPTED

Upon questions by Council Member Khan, Mr. Hall stated that this issue was an issue considered and contained within the Police Department and the stated position on the program by the Police Chief this morning at the press conference was it was agonizing on the Police Department and the Police Department family; that their challenge was fitting their operations in the budget they had been given; that one thing the Mayor had them working on was the transition for the jail operation to the county which they had been trying to get done for the last 12 years or so and for a host of reasons; that they did have lawsuits and mandates on the jail operation and they were working on a plan pursuant to the Mayor's direction to accelerate the process and if successful it would be completed at the end of calendar 2006 and the question then for the Chief was how to accommodate all his activities recognizing the transition would take place; that this morning his express view was rather than layoff officers he would accelerate the process of the conversion and cover it with police officers over the gap period; that he would transfer officers not on call for services kind of activities into the jailer positions and he would ask for volunteers throughout the department and they would apportion assignments based on seniority for every division except the response for call division; that they would replace younger officers with senior ones who they pulled out to do the interim duty until the transfer was complete; that regarding the employees they spent more time on that than other activities trying to work a program to assure every opportunity was given to ease the impact on good and loyal employees; that Human Resources was working as they now spoke to help modify the Airport budget with positions that were to start in August to make them available at the beginning of the fiscal year and that could number as many as 80 or so, it would be positions where they could compete with other city employees because this was not the only department to have layoff employees, there may be as many as 250 or so other present vacant

positions that would be in the pool for them and the other employees to compete for and now the Mayor had further directed him to engage with a private firm to assist them in their placement service; that the E B Cape designed a specific training program to upgrade skills where necessary for some of the employees to get some of those jobs; that every effort was being made to ease the transition because other options would be to layoff employees they would just have to hire back as soon as they got out of the jail business. Council Member Khan stated that he appreciated what he said and he believed in leaner government, he was for efficiency, but his question was when they target a group of employees for layoff that they also look at the top and he did not see that being the case and that was his concern; that he would like the senior positions looked at and that may save a bunch of money; and Mr. Hall stated that was a classic example, it did not involve that, they looked out for that in the layoff process; that the Chief had stated over the last five years the civilian employees had literally been cut in half and here there was no picking and choosing between high and low level and in between, the function was being eliminated and whoever was affiliated with the jail operation was included in this process. Council Members Lawrence, Galloway, Wiseman, Holm, Quan and Berry absent.

Mayor White stated that Council Member Khan had a very good point about a philosophy on proceeding forward and he thought he would see the impact would not be felt on a cash flow basis but over the longer run of the retirements; that he thought he would find a younger more junior police force as transition worked its way through the system. Council Members Galloway, Wiseman, Holm, Quan and Berry absent.

Ms. Sammie Hollins, 61 Reisner, Houston, Texas 77002 (713-247-4248) appeared and stated that she worked for the Houston Police Department eighteen years and was present as she was concerned for her job and concerned as a citizen with officers replacing jailers and less on patrol; that she did not see why the jailers could not stay and do what they do best until the county took over and let the officers do what they did best and protect. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Hall stated that at the Chief's press conference he explained the staffing for the jail in between now and when the county took over and said their plan was to take officers who worked in non-response areas and assign them first, then ask for volunteers and whatever the difference was they would apportion it to the divisions based on the size of the various divisions and on a seniority basis, so first responders would not change; that they saved \$10.1 million with this program. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Alvarado, Council Member Edwards indicated that she had seen no plan. Mr. Hall stated that it would be presented with the budget presentation the Mayor would make tomorrow; and Mayor Pro Tem Alvarado stated that Council Members had been asking about it and she would like for them to get it before so they could have their questions prepared. Mr. Hall stated that Ms. Johnson would present it tomorrow. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon further questions by Council Member Edwards, Mr. Hall stated that they had an agreement in principal with the county and it was to construct on land they had bought for this purpose, a new intake facility they would run and the city would pay their portion of; that it was scheduled under the present agreement for March 2007, but the Mayor had asked for them to work to advance that and the county thought it could happen in late 2006 so the question was whether to lay off officers or lay off jailers and replace them with officers during this period; that the training was addressed and the Chief believed during the period of transition they could get uniformed officers skilled to do the job. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM

PRESENT)

Mr. Tracy Johnson, 8300 Mykawa, Houston, Texas 77033 (713-829-1784) appeared and stated that he had been with the City of Houston ten years and a jailer; that without AFSCME they would not have even been talking about options because they just wanted to lay them off with no help of job placement or anything; that he was also at the meeting with Chief Hurtt this morning and he basically said if it was not for the officers raise they would not be looking for a raise; that Mr. Hall was mistaken you could bring an officer into the jail and up to speed easily; that he was retrained every year just to keep up and there was also no savings bringing a man in making twice as much as he did. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Hall stated that it was difficult to say what would happen going forward with the county; that the county obviously operates intake in jail facilities now and the city would not control it they would, the city was paying them for a service and how they staffed it would be up to the sheriff; that the Mayor had been struggling since he had been here to close a \$150,000,000 budget gap and Council had been wrestling with him in trying to find ways to do that, the public safety part of the budget had been growing and there was more money for the Police Department than last year so they were not cutting that department's budget, the question was what else did you do to get \$10,000,000 in the Police Department's budget because he had fixed the budget at a given amount; that it was viewed prudent to accelerate a program they knew would be done anyway rather than lay off officers and then hire them back after they were finished. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Alice Tyler, 7906 Cabot, Houston, Texas 77078 (713-633-4426) appeared and stated that she had been with the Police Department for twenty-four long years and a dedicated employee and she did not feel it was right to lay them off. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mellonea Johnson, 11150 Beamer Road #167, Houston, Texas 77089 (281-484-8381) appeared and stated that she had worked for the city nine and a half years and Mr. Hall stated that they would save \$10,500,000. getting rid of the jailers and she did not see how when they only made \$6.7 million and there were single mothers working there who were sole providers. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Joyce Broussard, 4930 Alvin, Houston, Texas 77033 (713-498-3352) appeared and stated that jailers were mothers, fathers, grandmothers and grandfathers and aunts and uncles; that they were wives and husbands and many depended on their portion of income; that being laid off was a tragedy and she wanted Council Members to see her children and displayed a picture; that she had a chance and last week her family was financed for a home and had a chance at the American Dream, but then had to go to the lending company and pull out; that she had to tell her daughter she could not have her own room now because their lives were being played with; and then Chief Hurtt said this was a business and his prayers were with them, but was this a business and were his prayers really with them. Mayor White, Council Members Galloway, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Beth Akin, 7171 Buffalo Speedway #1016, Houston, Texas 77025 (713-839-7334) appeared, presented information and stated that every year five to six billion pounds of volatile organic compound was dumped into the environment to be ingested or inhaled by human beings, sacrificed by a greedy industry; that thousands of Houstonians had no place to call

home and she was not talking about homeless, she was talking about homes being built which made people too sick to live in them; that Houston was home to 380,000 people who had their lives dismantled because of multiple chemical sensitivity (MCS) of which she was one. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Goldberg asked Ms. Akin to continue, Ms. Akin further stated that it was not about the dollar, but absolutely about life and breath; that in bitter irony modern homes threatened the health of the planet and those they were intended to shelter and the leaf blower produced emitted nitro oxides at three and one half times that of the automobile. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that they had her presentation and would make sure it was given to the appropriate departments. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

The City Secretary stated that she failed to call speakers under the previous motion and called Ms. JoAnn Mullins to the podium. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. JoAnn Mullins, 61 Reisner, Houston, Texas 77002 (713-247-5877) appeared and stated that she was also present on behalf of the jailers and would like to address a question by Council Member Edwards regarding training as she dealt with the training and they would not have time to be trained; that jailers were put through a four week training class and then put on each shift to be trained by a senior jailer for one week; that she was just asked to put together a three day training program for the officers; that jailers also did D & A swabbing and officers would not be allowed to because it would conflict with cases. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he would like the Administration to address the issue of training and whether they would lose any potential service because of improper or inadequate training by those replacing; and Mayor Pro Tem Alvarado stated that tomorrow she felt they would be able to ask the Chief and get a response. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mullins stated that if Council Members would like copies of the training issues jailers went through in their manual to compare training issues the officers would be going through in their three days it could be provided. Council Member Khan stated that he would like them to put together all issues concerning them on a piece of paper and give it to him he would appreciate it; that he made notes, but something like that would help. Ms. Mullins stated that the county stated they would be doing no lateral transfers with employees. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Stephanie Simon, 8300 Mykawa Road, Houston, Texas 77033 (713-731-5321) appeared and stated that if the city appreciated the services jail attendants had provided for over twenty plus years they would be in bargaining with the county for them; that if the county purchased the land, which she did not know, the city was still funding the building and she did not see how they would not raise taxes with the deficit; that jail attendants were paid \$6.4 million and the county wanted \$7,000,000 to run what they ran now and that was whether they sent ten or ten thousand, it was upfront; that she also wanted to say Saturday she was robbed of her

pension and now her job was being taken. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Stephen Graves, 8523 Hearth Drive, Houston, Texas 77054 (7130738-3660) appeared and stated that they had a meeting with Chief Hurtt this morning and he indicated civilian jailers along with 105 police service officers would be laid off and that it was due to the \$50,000,000 raise the city had to make good on for officers; that the budget should not be balanced on the back of those who did their jobs for twenty years and they were asking that the liability factor the city would be placed in be looked at along with they are not saving money and a phase out system could be there as jailers retired and found other jobs. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence moved that the rules be suspended for the purpose of hearing Mr. Greg Ryden, Mr. Richard Rabe and Mr. Greg Rudichuk out of order at this time. Mayor Pro Tem Alvarado stated that it would have to be done by consensus as no quorum was present; and with no objections the City Secretary was asked to proceed. Council Members Garcia and Ellis out of the city on city business. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Hall stated that the effort being made at the moment for the jailers was to first identify all present vacancies in the City of Houston, but they were not the only ones as Building Services had employees being laid off and all were being put into a pool and an effort was being made to match the employees with the jobs; that the Mayor had also directed that they try and develop training programs where it was feasible to have displaced employees train for the existing jobs and the hope was many of the employees would never leave the city payroll; that an opportunity may not exist for all of them and the Mayor asked that they engage a private firm to help in the traditional private sector outplacement service. Council Members Galloway, Goldberg, Wiseman, Holm and Berry absent.

Mr. Richard Rabe, 1725 Saxon, Houston, Texas 77018 (713-681-1133) appeared and stated that he was present representing the Oak Forest Homeowners Association and they had been having difficulty in getting the Legal Department to help them enforce deed restriction violations where people were building over setback lines. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Lawrence, Mr. Rabe stated that 4402 W. 43rd was a problem. Upon further questions by Council Member Lawrence, Ms. Wiginton stated that she was advised by those in Neighborhood Protection the problem in this case was they could not find the original marker to determine what the setback was and at this point the homeowners association or the city needed to do a survey and determine what that setback was. Council Member Lawrence stated that if the city wanted to spend that kind of money she would say okay, but when it was really obvious; and Ms. Wiginton stated that they needed the evidence to make their case at the hearing. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. Greg Ryden, 1252 Thornton, Houston, Texas 77018 (713-521-7379) appeared and stated that he was president of the Oak Forest Homeowners Association, the third largest neighborhood in the City of Houston and they were having a problem enforcing their deed restrictions and it was in large part due to submitting plans to the city for a building permit did not include their organization in the process and at this time the lines looked more voluntary than approved and they were asking for help. Council Members Galloway, Goldberg, Edwards, Wiseman, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. Greg Rudichuk, 9347 Liver Noise, Houston, Texas 77080 (713-204-0123) appeared, presented information to the Mayor and Council and stated that he was a resident in the Spring Branch Oaks and a member of that civic association and he was present not only with restrictions, etc., but with the whole code enforcement, particularly Chapter 10 on public nuisance enforcement; and they were not receiving adequate attention from enforcement officials. Council Members Galloway, Goldberg, Edwards, Wiseman, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Lawrence, Mr. Rudichuk stated that they were not having trouble about getting inspectors out, but instead having anything done about the issues; that the burden of surveillance and building a case was placed on them and the ordinances were hollow without enforcement. Council Members Galloway, Goldberg, Edwards, Wiseman, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Mayor White stated that Building Permits would be having a briefing and it would include some regulatory issues on plat approval, building permits through occupancy permits, the total package; that he knew some Council Members wanted a database and he would appreciate input ideas and oversight of elected officials on the issue. Council Member Sekula-Gibbs stated that the city and the county had massive data that had to be tracked, the county had streamlined theirs and had was willing to work with the city and perhaps there could be sharing between county and city offices; and Mayor White stated that Stewart Title had the best database in the country and had deed restriction information and they did need to do a better job for the citizens and organizing themselves by combining experts, etc.; and upon questions, Council Member Alvarado stated that before such things were handled by the Quality of Life Neighborhood Protection Committee which no longer existed, but she believed a great deal of it could be shared by Council Members Holm and Quan's committees and even Council Member Goldberg's. Council Members Galloway, Wiseman and Berry absent.

After further discussion by Council Members Mayor White stated that this was critical to citizens, there was a problem and defensiveness was not acceptable; Council Member Alvarado stated that she would ask if they would try to bring resolution through the committee process; and Council Members Quan and Holm agreed to discuss it in committee as it was one of the single biggest issues with neighborhoods. Council Members Galloway, Wiseman and Berry absent.

Ms. Mary White, 13011 Northborough #806, Houston, Texas 77067 (281-876-9658) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Berry absent.

Ms. Mary Scott, 4910 Lavender, Houston, Texas 77026 (713-672-2780) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Berry absent.

Minister JoAnn Casey, 4803 Debeny, Houston, Texas 77039 (281-442-9012) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Berry absent.

Ms. Louise Herron, 3720 Bell, Houston, Texas 77003 (713-515-6422) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Berry absent.

Ms. Eula Johnson, 7406 Bywood, Houston, Texas 77028 (713-635-8555) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman and Berry absent.

Mr. Tony Cross, 500 Watkins Way #1028, Friendswood, Texas 77546 (281-992-2432) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman and Berry absent.

Ms. Ethel Turner, 11414 Sandroock, Houston, Texas 77048 (713-738-5726) appeared and stated that she was present on behalf of Ms. Sias; that her operation was denied and they wanted to know why. Council Members Galloway, Wiseman, Alvarado, Quan and Berry absent.

Ms. Ora Adams, 8714 Furay, Houston, Texas 77016 (281-459-3712) had reserved time to speak but was not present when her name was called. Members Galloway, Wiseman, Alvarado, Quan and Berry absent.

Ms. Patricia Quinney, 11843 Greenglen Drive, Houston, Texas 77044 (281-452-2541) had reserved time to speak but was not present when her name was called. Members Galloway, Wiseman, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Dorothy Henton, 4724 Sandydale, Houston, Texas 77039 (281-442-8266) had reserved time to speak but was not present when her name was called. Members Galloway, Goldberg, Wiseman, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Dominga Bocanetra, 518 Donna Coray, Houston, Texas 77013 (713-678-8384) had reserved time to speak but was not present when her name was called. Members Galloway, Goldberg, Wiseman, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Jesse Bocanetra, 518 Donna Coray, Houston, Texas 77013 (713-678-8384) had reserved time to speak but was not present when his name was called. Members Galloway, Goldberg, Wiseman, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Joyce Jones, 3008 Cliffdale, Houston, Texas 77091 (713-686-0206) had reserved time to speak but was not present when her name was called. Members Galloway, Goldberg, Wiseman, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Perlie Oliver, 8507 Fieldmore, Houston, Texas 77029 (713-974-2932) had reserved time to speak but was not present when her name was called. Members Galloway, Goldberg, Wiseman, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Birdell Bocard, 4222 Groton, Houston, Texas 77047 (713-733-2467) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Ruby Butler, 10327 Rebel, Houston, Texas 77016 (no phone) appeared and stated that she was present in support of Ms. Sias and she wanted to know why the city was not responsible if she was hurt on the job. Council Members Galloway, Goldberg, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Rosa Barefield, 10010 Fairland Drive, Houston, Texas 77051 (713-734-6867) appeared and stated that she was present in support of Ms. Sias and was present the day she was injured; that she too wanted to know why she could not get proper care. Council Members Galloway, Goldberg, Holm, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that several speakers had come including Ms. Sias and

her understanding was there would be an independent medical examination of her need tomorrow and she was waiting to see what happened to that. Council Members Galloway, Goldberg, Holm, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. L. M. Courtney, 5130 Tavnor, Houston, Texas 77048 (713-734-7053) appeared and stated that she was also in Ms. Sias class and they were all wanting to know when she would be helped. Council Members Galloway, Goldberg, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that her memo stated Ms. Sias had been kept informed on what was going on and it implied an independent medical examiner would be seeing her tomorrow at 11:00 a.m. Council Members Galloway, Goldberg, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Queen Ester Gordon, 12219 Blue River Drive, Houston, Texas 77050 (281-442-8500) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Holm, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Dollie Cross, 1246 Clear River, Houston, Texas 77050 (no phone) appeared and stated that she was present in support of her mother also; that she did not think she needed to wait this long to get an okay from an independent doctor, she had been this way for one year now. Council Members Galloway, Wiseman, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that it was a tribute to Ms. Sias that so many friends and loved ones would come on her behalf; to summarize when he and Council heard of this a number of them got on it and there was a surgery scheduled and then based on advise from a physician as to whether she could undergo it the surgery was cancelled; that another examination was done; and Ms. Cross stated that she was her daughter and she knew what was going on. Upon questions by Mayor White, Ms. Cross stated that on the principal of pre-existing condition she felt they were out of line because she was hurt at work and injured; that she was a very active person and she got into this condition because she was being denied. Council Members Galloway, Wiseman, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Green moved that the rules be suspended for the purpose of extending time to question Ms. Dollie Cross, seconded by Council Member Khan. A vote was not taken as a quorum was not present and they continued on consensus. Council Members Garcia and Ellis out of the city on city business. Council Members Galloway, Wiseman, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Cross stated that her mother was going tomorrow to the doctor. Council Member Edwards stated that they would be able to move on after she saw the doctor tomorrow and she did not know who the independent examiner was but would find out tomorrow. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Nathaniel Johnson, 9235 Wellsworth, Houston, Texas 77044 (281-933-0185) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Jim Birney, 1530 Auline Lane, Houston, Texas 77055 (713-962-2830) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

PRESENT)

Mr. Kenneth Kimble, 6324 Los Angeles, Houston, Texas 77026 (713-633-7106) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Rosemary Monk, no address (713-533-6485) appeared and stated that she was present again to speak about the difficulty in Houston for women starting over; that she survived a hijacking in Washington, D. C. and came back to Texas; that there was no safe place for a woman to stay unless she had kids or was a substance abuser and would not help with random violence but with domestic violence. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Green moved that the rules be suspended for the purpose of extending time to allow Ms. Rosemary Monk to continue, seconded by Council Member Khan. A vote was not taken as a quorum was not present and they continued on consensus. Council Members Garcia and Ellis out of the city on city business. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Monk continued that her medical bills at the Houston Hospital District came to \$100,000. and the city would save a lot of money if there was a safe place that was bus acceptable for women to stay. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Leveria Sherman, 1041 Dolly Wright, Houston, Texas 77088 (281-447-7107) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Randall Kallinen, 1314 Texan Avenue #600, Houston, Texas 77002 (713-236-8586) appeared and stated that stated that he was present regarding the case of the shooting death of Lanny Blaine Robinson by a Houston police officer; that he was present as a citizen because in that case the judge pointed out that the story given had flaws; and urged the city to look into the Internal Affairs Division and Homicide Division to ascertain why a federal judge shown the same evidence they had came to a different conclusion. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Kallinen stated that Council Members and the Mayor should insure that employees were doing their job and that included whether Internal Affairs and Homicide were fairly looking into officer related shootings as the judge said he saw problems neither one of those groups saw. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan moved that the rules be suspended for the purpose of extending time to allow Mr. Randall Kallinen to continue, seconded by Council Member Quan. A vote was not taken as a quorum was not present and they continued on consensus. Council Members Garcia and Ellis out of the city on city business. Council Members Lawrence, Galloway, Edwards, Wiseman, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Kallinen further stated that the judge stated based upon the evidence the story was not believable and so one needed to look at the officers who did the report in the Homicide Division and Internal Affairs Department and that appropriate actions be taken. Council Members Lawrence, Galloway, Wiseman, Alvarado, Sekula-Gibbs and Berry absent. (NO

QUORUM PRESENT)

Mr. Colleen Mahan, 8731 Hinman, Houston, Texas 77061 (713-641-0129) appeared and stated that she wanted to speak about the daily pattern of Officer Pendegast who had shot eight times or killed someone; that corruption of HPD was out of control killing civilians and she was convinced that Chief Hurtt made civilians deaths an issue and she prayed he followed-up; that her son, Lanny Blaine Robinson, was shot seven times and knew he was dying; that to her murder was the ultimate betrayal of someone who was to protect and serve and she would be relentless in her search for justice; and Council Member Alvarado's kindness was deeply appreciated; and urged that they follow-through with an investigation. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Green moved that the rules be suspended for the purpose of adding Mr. Rufus Brown to the speakers list, seconded by Council Member Lawrence. A vote was not taken as a quorum was not present and they continued on consensus. Council Members Garcia and Ellis out of the city on city business. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Jean Wilkins Dember, MHS, 2612 Rosewood, Houston, Texas 77004 (713-942-0533) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Edward Hartwell, 4001 Watonga Blvd. #3715, Houston, Texas 77092 (713-263-3275) appeared and stated that he was present regarding parking spaces on South Main south of Bissonnet near the Museum of Fine Arts; that the spaces did impede the bus and other cars from getting to the curb; and he would ask that it be designated no parking. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Hartwell stated that it was just as you went South Main and came to Bissonnet and on the westside of the street before the Meacom Fountain. Mayor White stated that people with disabilities should be able to get on and off the busses and he would work on it for him. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. William E. 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 Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. M. A. Armstead, 12906 Brant Rock Drive #71, Houston, Texas 77083 (713-910-6191) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Cozeters Sias, 12406 Clear River, Houston, Texas 77050 (281-442-0233) appeared and stated that this was her third time to come; that she was hurt and living in pain and no one cared; and she was present for help. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that Council Members were brought up with memos of her condition and she hoped she would have a positive visit at the doctor tomorrow. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Betty Bradley, 8623 Wild Basin Drive, Houston, Texas 77088 (281-820-8986) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Nancy Cage, 8718 Patti Bob, Houston, Texas 77029 (713-673-4566) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

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

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, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

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

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was again asking for criminal protection and continued expressing his personal opinions until his time expired. Council Members Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent.

Ms. Brenda Routt, 9700 Court Glen Drive #914, Houston, Texas 77099 (281-575-0523) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent.

Mr. Joseph Omo Omuari, 2820 Palm #2B, Houston, Texas 77004 (713-523-4011) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent.

Mr. Rufus Brown, who was previously added to the speakers list, appeared and stated that he was president of Black Men of America in Houston and he was present with his concern of the towing issue because of the fees that would be placed on the poor, especially the minorities; and was asking Mayor White to take into account the poor. Council Members Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent.

Mayor White stated that bringing their cost of getting a tow down was big in his mind; that some said they could not make enough money unless they charged more than other people did in other cities and he did not believe it; that he was on the same page as he was and did want the fees brought down. Council Members Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent.

At 4:45 p.m. upon motion by Council Member Wiseman, seconded by Council Member Sekula-Gibbs, City Council recessed until 9:00 a.m., Wednesday, May 19, 2004. Council Member Garcia out of the city on city business. Council Member Ellis absent. Council Members Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent.

City Council Chamber, City Hall, Wednesday, May 19, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, May 19, 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; Ms. Judy Gray Johnson, Director, Finance and Administration Department; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:22 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:15 Mayor Pro Tem Alvarado reconvened the meeting of the City Council and stated that the first order of business was 19 public hearings followed by the Mayor's Report, where he would lay out his budget. Mayor White, Council Members Wiseman, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

The City Secretary stated that Ms. Margaret Wallace, Planning Department, would make comments on each hearing. Mayor White, Council Members Wiseman, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

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

1. PUBLIC HEARING 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 called.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with Fallbrook Municipal Utility District, which was located at Interstate 45 at West Road, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Mayor White, Council Members Wiseman, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

The City Secretary stated that no one had reserved time to speak at any of the public hearings. Mayor White, Council Members Wiseman, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Wiseman, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0518 ADOPTED.

2. PUBLIC HEARING on a proposal for the City of Houston and **FAULKEY 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 **FAULKEY GULLY MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of **FAULKEY GULLY MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Faulkey Gully Municipal Utility District was located West of Highway 249, along Louella and Spring Cypress, the area included in the agreement included

commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Mayor White, Council Members Wiseman, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg asked when Ms. Wallace stated no services she meant zero services, not a dime in expenses, and Ms. Wallace stated that for the first MUD they discussed yes, there was not a dime in expenses, that for a number of the MUD's, and she would indicate it each time, the City would enforce the Fireworks Ban on specific roadways adjacent to the MUD they were annexing and that would be the only service, that the enforcement was the Fire Marshall, it was not fire prevention or suppression. Mayor White, Council Members Wiseman, Ellis, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Wiseman, Ellis, Quan and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0519 ADOPTED.

3. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 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 NO. 52**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Harris County Fresh Water Supply District 52 was located on the northside of FM1960, between Champion Forest and Cutten Road, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Mayor White, Council Members Galloway, Wiseman, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Holm moved to close the public hearing, seconded by Council Member Khan. All voting aye. Nays none. Mayor White, Council Members Galloway, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0520 ADOPTED.

4. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 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 NO. 102**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Harris County Municipal Utility District 102 was located on the eastside of Highway 6 at West Little York, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Mayor White, Council Members Galloway, Wiseman, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Galloway, Wiseman, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0521 ADOPTED.

5. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 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 NO. 147** and certain territory

located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 147**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Harris County Municipal Utility District 147 was located on the southside of Westheimer near Addicks Clodine, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Mayor White, Council Members Galloway, Wiseman, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan moved to close the public hearing, seconded by Council Member Khan. All voting aye. Nays none. Mayor White, Council Members Galloway, Wiseman, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0522 ADOPTED.

6. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 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 NO. 150** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 150**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Harris County Municipal Utility District 150 was located along Veterans Memorial south of Richey, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Mayor White, Council Members Galloway, Wiseman, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Galloway, Wiseman, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0523 ADOPTED.

7. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 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 NO. 211**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Harris County Municipal Utility District 211 was located north of FM1960 at Northgate Forest, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0524 ADOPTED.

8. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 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 NO. 233** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 233**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Harris County Municipal Utility District 233 was located along FM1960 at Northgate Forest, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD, but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0525 ADOPTED.

9. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 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 NO. 248** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Harris County Municipal Utility District 248 was located on Hempstead Highway and Highway 6, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services within the MUD but would enforce a Fireworks Ban on roadways to be annexed that were not part of the MUD. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs moved to close the public hearing, seconded by Council Member Khan. All voting aye. Nays none. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0526 ADOPTED.

10. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 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 NO. 116** and certain territory located in the vicinity of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Harris County Municipal Utility District 116 was located on the northside of FM1960 near Champion Forest Drive, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis, Quan and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0527 ADOPTED.

11. PUBLIC HEARING 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 Harris County and Fort Bend County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Kingsbridge Municipal Utility District was located on Highway 6 at Bissonnet, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs moved to close the public hearing, seconded by Council Member Khan. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Ms. Wallace stated that there were no residential properties included in the area they were annexing. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

A vote was called on the motion to close the public hearing. All voting aye. Nays none. Mayor White, Council Members Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0528 ADOPTED.

12. PUBLIC HEARING on a proposal for the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 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 NO. 20**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Northwest Harris County Municipal Utility District 20 was located at FM1960 and TC Jester, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Mayor White, Council Members Goldberg, Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Goldberg, Wiseman, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0529 ADOPTED.

13. PUBLIC HEARING on a proposal for the City of Houston and **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 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 NO. 1** and certain territory located in the vicinity of **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Reed Road Municipal Utility District No. 1 was located at FM1960 and Jones Road, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Mayor White, Council Members Goldberg, Wiseman, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Goldberg, Wiseman, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0530 ADOPTED.

14. PUBLIC HEARING on a proposal for the City of Houston and **WESTLAKE MUNICIPAL UTILITY DISTRICT NO. 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 NO. 1** and certain territory located in the vicinity of **WESTLAKE MUNICIPAL UTILITY DISTRICT NO. 1**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that Westlake Municipal Utility District No. 1 was located along Fry Road north of the Katy Freeway, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Mayor White, Council Members Goldberg, Wiseman, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Goldberg, Wiseman, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0531 ADOPTED.

15. PUBLIC HEARING 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 called.

Ms. Wallace stated that at the present time the City of Houston would not proceed with the limited purpose annexation and strategic partnership agreement with Charterwood Municipal Utility District. Mayor White, Council Members Goldberg, Wiseman, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Goldberg, Wiseman, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0532 ADOPTED.

16. PUBLIC HEARING on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 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 NO. 50** and certain territory located in the vicinity of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, in Fort Bend County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that at the present time the City of Houston would not proceed with the limited purpose annexation and strategic partnership agreement with Fort Bend Municipal Utility District No. 50. Mayor White, Council Members Goldberg, Wiseman, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member

Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Goldberg, Wiseman, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0533 ADOPTED.

17. PUBLIC HEARING on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 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 NO. 35**, in Fort Bend County, Texas; providing for the publication of notice of such hearings

Ms. Wallace stated that at the present time the City of Houston would not proceed with the limited purpose annexation and strategic partnership agreement with Fort Bend Municipal Utility District No. 35. Mayor White, Council Members Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0534 ADOPTED.

18. PUBLIC HEARING 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 called.

Ms. Wallace stated that at the present time the City of Houston would not proceed with the limited purpose annexation and strategic partnership agreement with Grand Lake Water Control and Improvement District. Mayor White, Council Members Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0535 ADOPTED.

19. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 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 NO. 36** and certain territory located in the vicinity of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36**, in Harris County, Texas; providing for the publication of notice of such hearings – was called.

Ms. Wallace stated that at the present time the City of Houston would not proceed with the limited purpose annexation and strategic partnership agreement with Harris County Water Control and Improvement District No. 36. Mayor White, Council Members Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0536 ADOPTED.

#### **MAYOR'S REPORT** - Presentation on City of Houston Budget for FY2005

Mayor White stated that some of the budget presentation would be shared with him and the Director of F&A, Ms. Judy Johnson, that Ms. Johnson, at the same time, was closing out the

refinancing of the Water and Sewer Debt, where due to her good work and the Chairman of the Fiscal Affairs Committee and advisors, they made some savings that people may not read or see, and Ms. Johnson stated that the total present value savings was \$80,885,000, and Mayor White asked Ms. Johnson to begin the budget presentation with some of the top line and bottom line figures and Ms. Johnson stated that top line for the General Fund were revenues of approximately \$1,460,000,000, it was an increase over last year, in round numbers of about \$60 million, it was reasonable, they had not tried to be overly conservative but generally cautioned themselves from being overly optimistic, they tried to hit what they thought was the most realistic assumptions as to what was going to happen and how the revenues were going to come in, and Mayor White asked her to illustrate what they had done in the case of the sales tax revenue compared to what their consultants had, and Ms. Johnson stated that Dr. Barton Smith had given them an assumption of approximately 6.75% revenue increase for the next year, but they had used 5.25% to be a bit more conservative than that, the raw numbers, they would see, were higher than that because they were still rolling through some of the limited purposes annexations coming against that, that just year to year numbers would be more than that attributable to the limited purpose annexations, that total expenditures, other than Debt Service, was \$1,273,000,000, that was a \$40 million net increase over the prior year and they had Debt Service budgeted at \$188,000,000 which was about a \$23 million net increase over the prior year, it reflected about a \$10 million reduction for Fiscal Year 2005, which was attributable to the bond sale that was completed last week, the details of the departmental budgets would be released, they hoped, later this afternoon, but it might be tomorrow morning before they had the full details of the budget.

Mayor White stated that there were some departmental highlights on a Power Point Presentation that had been handed out to each Council Member, that he would hit some highlights which were Public Safety taking the largest priority, they were able to deliver more services in most of the budgets, within disciplined budgets, that it varied from department to department, that it was work in progress but they were seeing some of the benefits of that and then they had a funded plan for performance based compensation and municipal pay increases and greater security for municipal pensions if the pension board worked with them to adopt a plan in the nature that he outlined yesterday which would both decrease the liabilities, the amount that the system had to pay, substantially to bring it more in line with other private and public sector plans and also increase the assets of the system, they would not increase the assets of the system unless there were some reforms made, they needed accountability in that system, that he had yet to hear anybody at the pension system to date stand up and take some responsibility for the \$1.9 billion deficit, that they had property tax relief in the budget and no increase in property taxes, and finally it had continued investment in mobility, including funding to finish the improved traffic signals. Mayor White continued to review his Power Point slide presentation titled "The White Administration's Performance Based City Budget Fiscal Year 2005" a copy of which is on file in the City Secretary's office for review.

Mayor White was questioned at length by Council Members and Council Member Khan a breakdown of the budget based on districts and asked Ms. Johnson if she could find those statistics for him, the CIP distribution, how much was going to District F, the libraries, how many were going to District F, how many more police officers would be on the streets of District F compared to all of the other districts and Mayor White stated that they had made notes and they would respond to him; and Council Member Alvarado asked if anyone in the administration was looking at some of the cost saving measures that were proposed last year by Council Members, amendments that were passed, because she had asked about a couple of hers in particular and was learning that some of them were never implemented by department directors, and Mayor White stated that they would get a report to her. Council Members Goldberg and Khan.

#### **CONSENT AGENDA NUMBERS 20 through 61**

#### **MISCELLANEOUS - NUMBER 20**

20. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Clear Lake City-County Freeman Branch Library, CIP E-0045 **DISTRICT E – WISEMAN** – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0537 ADOPTED.

**ACCEPT WORK** - NUMBERS 22 and 26

22. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,327,085.79 and acceptance of work on contract with **PEDKO PAVING, INC** for Construction of Lee Road Widening: Garner Bayou to FM1960, GFS N-0709-01-3 (SB9005-1) - 06.01% under the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0538 ADOPTED.
26. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,903,230.81 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Maintenance by Point Repair with Cleaning and Televising, GFS R-0266-71-3 (4277-3) - 08.50% under the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0539 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 29 through 31

29. **AMEND MOTION #2001-943, 8/22/01, TO EXTEND** expiration date from August 27, 2004 to August 26, 2005, for Fuel, Aviation Gasoline and Turbine Fuel Contract for Houston Police Department, awarded to **ADA RESOURCES, INC** – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0540 ADOPTED.
30. **HI-WAY EQUIPMENT COMPANY, INC** for Equipment, Fiat Allis Road Machinery Replacement Parts and Repair for Department of Public Works & Engineering - \$139,467.31 - Fleet Management and Storm Water Utility Funds – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0541 ADOPTED.
31. **AMEND MOTION #2000-1011, 8/16/00**, as amended by **MOTION #2003-495, 5/21/03, TO EXTEND** expiration date from August 16, 2004 to August 15, 2005, for Screw Fasteners Contract for Various Departments, awarded to **D. F. SALES** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Goldberg absent.

Council Member Garcia moved to remove Item No. 44 from the Consent Agenda for separate consideration, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0542 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 34 through 61-22

34. RESOLUTION designating a certain property located at 715 Franklin Avenue in the City of Houston as a historic landmark (Magnolia Brewery Taproom Building) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Goldberg absent. RESOLUTION 2004-0011 ADOPTED.

37. ORDINANCE consenting to the addition of 173.0631 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 154**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0470 ADOPTED.
38. ORDINANCE consenting to the addition of 13.1829 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0471 ADOPTED.
39. ORDINANCE consenting to the addition of 0.753 acre of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 6**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0472 ADOPTED.
40. ORDINANCE consenting to the addition of 29.19 acres of land to **RICEWOOD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0473 ADOPTED.
41. ORDINANCE establishing the west side of the 1200 block of Oxford 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 Member Goldberg absent. ORDINANCE 2004-0474 ADOPTED.
46. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **TRIPLE D. SECURITY, INC dba AMERICAN ARMORED TRANSFER** for Armored Car Services for Various Departments (as approved by Ordinance No. 99-992) – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0475 ADOPTED.
48. ORDINANCE appropriating \$77,696.88 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **BEAZER HOMES TEXAS, L.P.**, for Construction of Water and Sanitary Sewer lines to serve Section Five of the Post Oak Place Subdivision, CIP S-0802-16-03 and R-0802-16-03 **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0476 ADOPTED.
50. ORDINANCE appropriating \$33,600.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998C NON-AMT (536); authorizing purchase of certain tracts of land out of Greenview Manor Section Two, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-30.1; approving purchase and sale agreements with the owners of the land (Arturo J. Castillo and Mary E. Castillo) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0477 ADOPTED.
51. ORDINANCE appropriating \$120,500.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing purchase of land and improvements thereon out of R. F. Beeler Subdivision, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-31.1; approving purchase and sale agreements with the owners of the land (Sharon Dian McCormick) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0478 ADOPTED.

52. ORDINANCE appropriating \$199,200.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing purchase of land and improvements thereon out of Greenview Manor Section Two and R. F. Beeler Subdivision, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-32.1; approving purchase and sale agreements with the owners of the land (Sanjuana Ruvalcaba, and Alberto Martinez and Dalia Diaz) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0479 ADOPTED.
53. ORDINANCE appropriating \$814,000.00 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City of Houston and **BINKLEY & BARFIELD, INC** for Miscellaneous Airfield Lighting Improvements, Generators and Generator Buildings at Ellington Field (Project No. 588); CIP A-0428 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0480 ADOPTED.
54. ORDINANCE appropriating \$453,270.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services contract between the City and **CARTER & BURGESS, INC** for Rehabilitation and Improvements at East Water Purification Plant, CIP S-0056-33-3 (10594-3) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0481 ADOPTED.
55. ORDINANCE appropriating \$33,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing first amendment to contract between the City and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Lift Station Rehabilitation and Replacement (approved by Ordinance No. 2000-0063); CIP R-0267-60-2 (WW4765); providing funding for contingencies relating to the construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - GALLOWAY and H - GARCIA** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0482 ADOPTED.
56. ORDINANCE appropriating \$269,312.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City and **TURNER COLLIE & BRADEN, INC** for Design of Greens Road from John F. Kennedy Boulevard to Aldine-Westfield; CIP N-0686-01-2 (SB9101); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0483 ADOPTED.
57. ORDINANCE appropriating \$358,230.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services contract between the City of Houston and **EPSILON ENGINEERING, INC** for Design of Water Line Replacement in the Canterbury Village, CIP S-0035-B7-2 (WA10780); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0484 ADOPTED.
58. ORDINANCE appropriating \$382,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services contract between the City of Houston and **DE ANDA ENGINEERING, INC** for Design of Water Line Replacement in the Huntington Place Subdivision, CIP S-0035-C2-2 (WA10784); 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 Member Goldberg absent. ORDINANCE 2004-0485 ADOPTED.

61. ORDINANCE Nos. 2004-432 through 2004-453 passed first reading May 12, 2004  
ORDINANCES (22 separate ordinances) granting the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions, to the following: - **SECOND READING** - was presented.
- 61-1 Affordable Environmental Services - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0431 PASSED SECOND READING IN FULL.
- 61-2 All Star Roll-Offs, L.P. - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0433 PASSED SECOND READING IN FULL.
- 61-3 3CI Complete Compliance Corporation - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0434 PASSED SECOND READING IN FULL.
- 61-4 Cherry Industrial Services, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0435 PASSED SECOND READING IN FULL.
- 61-5 Chief Consulting Services - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0436 PASSED SECOND READING IN FULL.
- 61-6 Clean Harbors Environmental Services, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0437 PASSED SECOND READING IN FULL.
- 61-7 Coal City Cob Company - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0438 PASSED SECOND READING IN FULL.
- 61-8 Columbia Environmental Services, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0439 PASSED SECOND READING IN FULL.
- 61-9 Commercial Care Services, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0440 PASSED SECOND READING IN FULL.
- 61-10 D'HAWK Grease Trap Company - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0441 PASSED SECOND READING IN FULL.
- 61-11 Empire Waste, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0442 PASSED SECOND READING IN FULL.
- 61-12 GTM Services, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0443 PASSED SECOND

READING IN FULL.

- 61-13 Intergulf Corporation - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0444 PASSED SECOND READING IN FULL.
- 61-14 January Transport, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0445 PASSED SECOND READING IN FULL.
- 61-15 Jefferson Trash Service - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0446 PASSED SECOND READING IN FULL.
- 61-16 NP Vacuum Service - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0447 PASSED SECOND READING IN FULL.
- 61-17 Public Sanitary Works, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0448 PASSED SECOND READING IN FULL.
- 61-18 Rowell Investments, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0449 PASSED SECOND READING IN FULL.
- 61-19 Texas Contract Construction, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0450 PASSED SECOND READING IN FULL.
- 61-20 The Groce Company, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0451 PASSED SECOND READING IN FULL.
- 61-21 Tommy Miles Garbage Service - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0452 PASSED SECOND READING IN FULL.
- 61-22 XKLEN Corporation - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0453 PASSED SECOND READING IN FULL.

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

**MISCELLANEOUS**

21. RECOMMENDATION from Director Department of Public Works & Engineering for approval of FY2005 Annual Operating Budget for the Houston Area Water Corporation - \$7,831,057.00 Enterprise Fund – was presented, moved by Council Member Ellis, seconded by Council Member Holm. All voting aye. Nays none. MOTION 2004-0543 ADOPTED.

**ACCEPT WORK**

23. RECOMMENDATION from Director Department of Public Works & Engineering for

approval of final contract amount of \$1,131,166.55 and acceptance of work on contract with **SILVA, INC** for Construction of Generic Overlay Program (Package I), GFS N-1037-22-3 (OL2022) - 04.18% under the original contract amount - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado, and tagged by Council Member Goldberg.

24. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,480,149.13 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-18-3 (4257-28) - 02.55% over the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I – ALVARADO** – was presented, and tagged by Council Members Green and Edwards.
25. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,268,163.26 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-25-3 (4235-13) - 04.89% over the original contract amount – was presented, and tagged by Council Members Galloway, Green, Edwards, Quan and Khan.

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

27. **HOUSTON TURF EQUIPMENT** for Mowers for Parks & Recreation Department - \$63,750.00 Equipment Acquisition Consolidated and Parks Special Revenue Funds – was presented, and tagged by Council Member Wiseman.
28. **HOUSTON-GALVESTON AREA COUNCIL** for Tractors through the Interlocal Agreement for Cooperative Purchasing for Parks & Recreation Department - \$69,241.08 - Equipment Acquisition Consolidated Fund – was presented, and tagged by Council Member Wiseman.
32. **HOUSTON-GALVESTON AREA COUNCIL** for Utility Vehicles through the Interlocal Agreement for Cooperative Purchasing for Various Departments - \$694,219.20 - Grant, Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2004-0544 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES**

33. RESOLUTION supporting and accepting the transfer by **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** of full maintenance and ownership of F. M. 865 from US 90A to the south right-of-way of Holmes to the City of Houston; and redesignating this section of F.M. 865 as Cullen Boulevard and placing this segment of Cullen Boulevard on the City's Road Log; (SB9143-03) - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. RESOLUTION 2004-0012 ADOPTED.
35. 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 Wiseman, Edwards, Quan, Alvarado, Galloway, Holm, Garcia and Lawrence.

Mayor White stated that for those people who had questions he would ask for the colleagues who were undecided and wanted to accomplish the purpose that it was important

that they move forward in a process that was a multi step process that could be supervised by Council, that he would get personally involved in the next two days, that he would ask his colleagues to not make commitments that they felt would bind them for opposing what may be some resolution to the issue in a reasonable way, that there would be people dissatisfied with any system that the first that showed up and was qualified gets the tow and there may be people who would be opposed to charging less, that there may be some conflict between the public interest and special interest.

Council Member Green stated that he had passed out an amendment but since it had been tagged he thought he could probably work with the Office of Mobility to get it taken care of.

Mayor White asked that the Council Members who tagged the main item to release their tags so that Council Member Garcia could introduce his amendment.

Council Member Green offered the following written motion to amend Item No. 35, seconded by Council Member Khan, and was tagged by Council Members Wiseman, Galloway, Sekula-Gibbs and Ellis.

"I would like to propose the following amendment to the proposed Towing Ordinance, Section 8-117 (b):

(b) Once a towing request has been solicited via police dispatch to a wrecker, the tow service shall be deemed a non-consent tow and services shall remain a non-consent tow under the auspices of the authorizing agency, regardless of the consent of the automobile owner, who is solicited by a wrecker to tow his or her vehicle a the scene."

Council Members Wiseman, Edwards, Quan, Alvarado, Galloway, Holm, Garcia and Lawrence tagged Item No. 35.

After discussion Council Member Wiseman moved to suspend the rules to hear from a representative of the administration who had been working on the ordinance to come forward for questioning, seconded by Council Member Ellis.

After further discussion by Council Members a vote was called on the motion to suspend the rules. Council Member Wiseman voting aye, balance voting no. MOTION 2004-0545 FAILED.

After further discussion Council Member Wiseman stated that she did not receive a copy of the traffic study that was conducted and asked Mr. Michel if he had a copy and Mr. Michel stated that he did not have a copy of the study personally but could get one for her and Council Member Wiseman asked if the study was conducted, and Mr. Michel stated that he did not know when it was conducted but it was his understanding that the study existed. Council Members Alvarado, Ellis and Quan absent.

After further discussion Mayor White stated that Item No. 35 was tagged. Council Members Galloway, Goldberg, Wiseman, Garcia and Ellis absent.

36. ORDINANCE approving first amendment to the Substitute Credit Agreement relating to the City of Houston, Texas, General Obligation Commercial Paper Notes, Series A; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman, Garcia and Ellis absent. ORDINANCE 2004-0486 ADOPTED.
42. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for Mutual Aid during times of emergency – was presented. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman and Ellis absent. ORDINANCE 2004-0487 ADOPTED.

43. ORDINANCE approving and authorizing contract between the City of Houston and **INNOVATIVE INTERFACES, INC** for an Integrated Library System; providing a maximum contract amount 3 Years - \$1,048,806.00 - HALAN Fund - was presented, and tagged by Council Members Holm, Berry and Sekula-Gibbs. Council Members Wiseman and Ellis absent.
44. ORDINANCE approving and authorizing contract between the City of Houston and **ePLUS DOCUMENT SYSTEMS, INC** for Imaging Software License Upgrade, Support and Professional Services for the Planning & Development Department; providing a maximum contract amount \$385,592.50 - Building Inspection Funds – was presented, and tagged by Council Members Holm and Garcia. Council Members Wiseman and Ellis absent.
45. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **C. P. C. MAINTENANCE, INC** for Dry Pit Pump Parts & Repair Services for the Public Works & Engineering Department (as approved by Ordinance No. 99-612) – was presented, and tagged by Council Members Galloway, Garcia and Green. Council Member Wiseman absent.

Council Member Galloway stated that they had not met their MWBE goal, only 2% and then they wanted to amend the contract to extend it and she thought it was not conducive to their diverse City and would like the administration to look into it, and Mayor White stated that they would look into it. Council Member Wiseman absent.

47. ORDINANCE approving and authorizing first amendment to joinder agreement between the City of Houston and **HOUSTON MCLANE COMPANY, INC** for the Major League Baseball All-Star Game - \$78,800.00 - Enterprise Fund – was presented.

Council Member Ellis stated that he intended to vote no on Item No. 47, that when the C&E Director came to him she stated that they needed \$590,000 and the State would match it at 6.25% and that was all they needed for the game and he agreed at the time, that now he understood that they could get more contributions from the State and why were they throwing more money at the game if it was not necessary or were they misinformed originally, and Mayor White stated that the State, to encourage events such as the Super Bowl and the All Star Game, had funding formulas which allowed certain money, that otherwise would simply go to the State, to go back to the municipality and the Controller recently made a determination that the State could make an additional \$492,000 available to the City with a \$78,000 match from the City of Houston, that there was \$40,000, in connection with the Astros, for certain barricades and emergency medical backup services, which were not budgeted for, but with the balance they could put a lot more trees in the areas of ingress and egress to the areas of the ballpark and make the City look a lot better, that they did some of that during the Super Bowl, that some of that was both the tree planting and the associated watering during those months.

Council Member Edwards stated that when the Super Bowl came they were told the City was going to get \$30 million and she had never seen it and did not know if anyone else had ever seen it, that she had asked where they could find it, that she voted for the initial concern but was tending to vote no for Item No. 47 because she could not find it, that if somebody could show her what were the concrete benefits for the City, that she understood the marketing of it, the hype and the greatness of the game but with the budget being the way it was she could just not see additional monies going to it. Council Member Wiseman absent.

Mayor White stated that they could have an accounting of the money, that there were two issues, one had to do with the amount of money that the State allocated to the City of Houston of offset certain expenditures that they had during the Super Bowl, that he reviewed both the amounts that had been received by the City and the expenditures and it was more or less in balance, but he thought that Council Member Edwards was asking them to quantify the

community wide economic impact, and Council Member Edwards stated that was right because they were laying off people and they had a tight budget, was it the most prudent thing to do, even with the State, the State had cut off a lot CHIPS and programs that affected her community and district, and Mayor White stated that they would try and get her some information, and Mayor White stated that if he thought there was any way they could reprogram the \$492,000 that would be available to the City for some other purposes he would do that, but as he understood it simply went back to the State's General Fund, and Council Member Edwards stated that she would tag the item because she would like for somebody to show her that it would come back to the community in a quantifiable way, and Mayor White stated that he would have Mr. Michael Moore to get with Council Member Edwards and give her some information. Council Member Wiseman absent.

Council Member Goldberg stated that he wanted to tag Item no. 47 also, that he would also like to know what the money was being spent on and would like to know the limits were on what they could spend it on, and Mayor White stated that they would get him that information. Council Member Wiseman absent.

Council Member Garcia stated that he wanted to recognize 60 students from Ripley House Charter School who were present with their Director, Mr. Alejandro Murolla and asked that they stand and be recognized. Council Member Wiseman absent.

49. ORDINANCE appropriating \$5,030,000.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing the purchase of approximately 14.69 acres of land and improvements thereon out of the A.R. Bodman Survey, A-141, Houston, Harris County, Texas, for the Expansion of Bush Intercontinental Airport, CIP A-0082.14.1; approving purchase and sale agreement with the owner of the land (Panalpina, Inc) - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2004-0488 ADOPTED.

59. ORDINANCE awarding construction contract to **TROY CONSTRUCTION, L.L.P.** for Water Distribution System Rehabilitation and Renewal, providing funding for engineering testing services and contingencies relating to the repair of facilities financed by the Water & Sewer System Operation Fund (WA10633-03) - \$1,600,100.00 - Enterprise Fund – was presented, and tagged by Council Members Galloway, Garcia, Green, Quan and Khan.

Council Member Galloway stated that they had a problem with the item because of their arrogance in not responding to the Council Members they just had Item No. 25 for the contractor not meeting their obligations, that she thought they had a special ordinance in place that governed that and would like the administration to look into it, and Mayor White stated that he hoped Ms. Laws could shed some light on it.

60. ORDINANCE appropriating \$3,334,000.00 out of Fire Consolidated Construction Fund, awarding construction contract to **R. HASSELL BUILDERS, INC** for construction of New Fire Station 86, GFS C-0061-01-3, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering and testing services; Civic Art Program; construction management and contingencies relating to construction of facilities financed by Fire Consolidated Construction Fund - **DISTRICT G – HOLM** – was presented.

Council Member Holm stated that she wanted to thank the Building Services Director, Mr. Dadoush, that he had been diligent in bringing it forward and they had an outstanding contract because of his fine work.

A vote was called on Item No. 60. All voting aye. Nays none. ORDINANCE 2004-0489 ADOPTED.

**NON CONSENT AGENDA** - NUMBER 62

**MISCELLANEOUS**

62. RECEIVE nominations for Positions Six and Seven on the **CIVIC ART COMMITTEE** with terms to expire on January 1, 2006 – was presented.

Council Member Edwards stated that she wanted to nominate Ms. Susan Young for Position Six on the Civic Art Committee, and her resume had been passed out to the Council Members.

Council Member Goldberg stated that he wanted to re-nominate Mr. Chris Hageney for Position Seven on the Civic Art Committee, and his resume had been passed out to the Council Members.

Council Member Alvarado moved to close nominations for Position Six and Seven on the Civic Art Committee, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0546 ADOPTED.

**MATTERS HELD** - NUMBERS 63 through 75

63. MOTION by Council Member Alvarado/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$3,399,155.11 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-23-3 (4257-29) - 00.16% over the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; - D - EDWARDS; F - ELLIS; H - GARCIA and I - ALVARADO** – (This was Item 5 on Agenda of May 12, 2004, TAGGED BY COUNCIL MEMBER EDWARDS) – was presented. Council Member Edwards voting no, balance voting aye. Council Member Garcia absent. MOTION 2004-0547 ADOPTED.
64. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,218,735.98 and acceptance of work on contract with **PM CONSTRUCTION & REHAB. L. P.** for Rehabilitation of Sanitary Sewers in the FWSD No. 23 Service Area, GFS R-2011-29-3 (4761-2) - 38.34% under the original contract amount **DISTRICT B - GALLOWAY** – (This was Item 6 on Agenda of May 12, 2004, TAGGED BY COUNCIL MEMBER HOLM) – was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Garcia absent. MOTION 2004-0548 ADOPTED.
65. **HI-WAY EQUIPMENT CO., INC** for Rental of One Asphalt Road Patching Truck for Department of Public Works & Engineering - \$82,560.00 - General Fund – (This was Item 10 on Agenda of May 12, 2004, TAGGED BY COUNCIL MEMBER WISEMAN) – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Wiseman voting no, balance voting aye. Council Member Garcia absent. MOTION 2004-0549 ADOPTED.
66. RESOLUTION approving and adopting a Revised Investment Policy for the City of Houston – (This was Item 14 on Agenda of May 12, 2004, TAGGED BY COUNCIL MEMBER WISEMAN) – was presented. All voting aye. Nays none. Council Member Garcia absent. RESOLUTION 2004-0013 ADOPTED.
67. 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 – **(This was Item 18 on Agenda of May 12, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and ELLIS)** – was presented.

Council Member Berry moved to amend Item No. 67 as follows, seconded by Council Member Alvarado. Council Member Garcia absent.

- 40-362 (11) Eliminates a reference to an ordinance that is being repealed.
- 40-365 (d) Permits city departments to obstruct streets and sidewalks to do work on city buildings in addition to street work without obtaining a permit.
- 40-371 Establishes conditions under which permit fees may be raised and caps the amount of increase in any single year at 5%. Preserves exemption from permits or fees for Adopt a Container program.
- 40-371 (Table) corrects typos - “of” instead of “on” and “on” instead of “or”

Council Member Edwards stated that her concern with the item was that she did not understand why the fees were so low, what were they trying to accomplish, what were they trying to do with the particular issue. Council Member Garcia absent.

Mayor White stated that the questions that Council Member Edwards had to do with the substance of the ordinance.

Council Member Berry moved to suspend the rules to hear from Mr. Rick H. Grochoske, Assistant Director, Traffic and Transportation Division, Public Works and Engineering, at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0550 ADOPTED.

Upon questions by Council Members, Mr. Grochoske stated that the fees were basically twofold, that one was to make sure that from the permitting process the administration costs to administer that permit, and second was once the lane was taken out of commission what was the value of that lane to the City for mobility reasons, that they tried to look at those two factors to establish those fees, that it was about \$100 per week, per block phase, that they looked at five other cities, two in Texas, Dallas and San Antonio, and they were right in line with those two cities in the State, that Chicago and New York there was a lot higher cost to do business but they felt comfortable with Dallas and San Antonio, that in the ordinance it stated that the Public Works Director had the authority to increase the fee on an annual basis, that it was strictly an administrative procedure and did not come before City Council. Council Members Wiseman and Quan absent.

After discussion by Council Members, Council Member Lawrence stated that she to had a concern with the businesses and wanted to hear the comparison with Chicago and New York, and Mayor White stated that Mr. Richard Lewis had a detailed schedule of every City and asked that he provide a copy of the schedule to all the Council Members. Council Members Wiseman and Quan absent.

After further discussion, Council Member Ellis moved to postpone Item No. 67 and Council Member Berry’s motion to amend for one week, seconded by Council Member Sekula-Gibbs.

Council Member Green moved suspend the rules to remain in session beyond the scheduled noon recess until 12:30 p.m., including matters to be presented by Council Members, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Quan absent. MOTION 2004-0551 ADOPTED.

After further discussion by Council Members, a vote was called on Council Member Ellis’s

motion to postpone Item No. 67 and the motion to amend for one week. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0552 ADOPTED.

Mayor White stated that he wanted to say to the people at Public Works who had worked on the item diligently that it was important, the interest that they saw expressed by Council Members highlight the public importance of what they were doing, that he appreciated the work that Mr. Lewis did on it as well, that the policy direction was to be supportive, that they needed some dialog and to see if there were further refinements that could be made from the person with the Legal Department to make sure they complied with the laws. Council Member Quan absent.

68. ORDINANCE designating **BANK ONE, COMERICA BANK, COMPASS BANK, CONCORD BANK N.A., FROST NATIONAL BANK, JP MORGAN CHASE BANK, SOUTHWEST BANK OF TEXAS N.A., TEXAS FIRST NATIONAL BANK, STERLING BANK and WELLS FARGO BANK TEXAS, N.A.**, as authorized depositories for City funds – **(This was Item 22 on Agenda of May 12, 2004, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and ELLIS)** – was presented. Council Member Quan absent.

Council Member Khan stated that someone had called and asked that they give added names for some banks that were minority owned and they did provide at least one name, and Mayor White stated that they had to go through the process, that it had been initiated and he had made further inquiries on it as well. Council Member Quan absent.

A vote was called on Item No. 68. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2004-0490 ADOPTED.

69. ORDINANCE approving and authorizing contract between the City and **HOUSTON ADVANCED RESEARCH CENTER** for Environmental Public Health Services; providing a maximum contract amount - \$345,000.00 - Grant Fund – **(This was Item 25 on Agenda of may 12, 2004, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS)** - was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2004-0491 ADOPTED.

70. ORDINANCE approving and authorizing Tax Abatement Agreement between City of Houston, Texas, **THIRD COAST PRODUCE COMPANY, LTD** and **BLUEBONNET FARMS, LTD DISTRICT I - ALVARADO** – **(This was Item 27 on Agenda of may 12, 2004, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. Council Member Quan absent.

Council Member Ellis stated that last week he had tagged the item and had intended to vote no on the item, he had an opportunity to read it and evaluate it and would be voting yes on it, but would request that instead of the items popping on the agenda that they might bring them through the Fiscal Affairs Committee as money was tight and as they started to look at different abatements that they were going to offer to different businesses that they were trying to attract to the City, and Mayor White stated that was an excellent idea and there might be a subcommittee that was formed because there were various items that were presented that were under negotiations, and Council Member Ellis stated that they would actually get them before the negotiations were completed, and Mayor White stated that it would be welcomed, that he had asked Mr. Lapin to work with Mr. Litke and others in coordinating communications with some groups designated within Fiscal Affairs to keep abreast of some of the items. Council Member Quan absent.

A vote was called on Item No. 70. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2004-0492 ADOPTED.

71. ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract with **QUADRANT CONSULTANTS, INC** for Safe Sidewalk Program E0 Project, CIP N-0610A-E0-2 (SB9136); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – **(This was Item 39 on Agenda of May 12, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2004-0493 ADOPTED.
72. ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for professional engineering services under contract with **HVJ ASSOCIATES, INC** for Pavement Management Maintenance Program (PMMP), CIP N-0667-02-2 (N-0667); (approved by Ordinance No. 2001-0610); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – **(This was Item 42 on Agenda of May 12, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2004-0494 ADOPTED.
73. **AMEND MOTION #2004-271, 3/10/04, TO INCREASE** quantity of Item 29 awarded to **PHILLPOT MOTORS, LTD** and award Item 21 to **LAWRENCE MARSHALL FORD-MERCURY, L.P.** in connection with bids received for Light-Duty Trucks, for a total increase of \$110,516.00 Equipment Acquisition Consolidated Fund - **REQUIRES THREE MOTIONS – (This was Item 50 on Agenda of May 12, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)**

Council Member Alvarado moved to suspend the rules for the purpose of reconsidering Motion No. 2004-0271, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0553 ADOPTED.

Council Member Alvarado moved Motion 2004-0271, 3/10/04, be brought back to Council for reconsideration, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0554 ADOPTED.

Council Member Alvarado moved to increase quantity of Item 29 awarded to PHILLPOT MOTORS, LTD and award Item 21 to LAWRENCE MARSHALL FORD-MERCURY, L.P. in connection with bids received for Light-Duty Trucks, for a total increase of \$110,516.00 Equipment Acquisition Consolidated Fund, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0555 ADOPTED.

74. ORDINANCE awarding contract to **ARCH WIRELESS OPERATING COMPANY, INC** for Pager Rental Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,047,874.80 - General, Enterprise, Grant and Other Funds – **(This was Item 52 on Agenda of May 12, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Member Quan absent.

Council Member Alvarado stated that she had passed out a written motion to amend Item No. 74 as follows. Council Member Quan absent.

“I move that item 74 on the Agenda, a contract for pager rental services be amended as follows:

Article III Section E (2) is amended to lower the original allocation to \$51,215.00, and I want to amend the maximum contract amount in the ordinance to the same number.

Article III Section E (3) is amended to read as follows:

(3) The City makes a supplemental allocation by sending a notice signed by the Director

and the City Controller and approved by motion, or ordinance of City Council in the following form:

Article III Section E (3) is further amended to insert the following language at the end of the section:

City Council shall not approve a supplemental allocation for pagers for any department unless and until the department has justified its need for pagers to City Council's satisfaction during the department's budget presentation for the FY 05 budget hearing."

After discussion by Council Members a vote was called on Council Member Alvarado's motion to amend Item No. 74. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0556 ADOPTED.

A vote was called on Item No. 74 as amended. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2004-0495 ADOPTED.

75. ORDINANCE approving and authorizing second amendment to the Master Agreement for the acquisition of Microtechnology Hardware and Software Products and associated services between the City of Houston and **TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR)** to allow the City to use DIR's Go Direct Program to add products and services and to streamline the procurement process – **(This was Item 53 on Agenda of May 12, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Quan absent.

Council Member Edwards stated that they had a lot of conversations and wanted to thank Mr. Richard Lewis and his staff and Mr. Wells and other people on the contract and the whole process, that she was pretty comfortable with the Go Direct process, as far as MWBE vendors being able to participate but was still concerned about making sure that they still had the best opportunity so she was submitting an amendment that would call for any contracts over \$150,000 to be at least compared to other agencies through other aggregates or even open bid process to make sure they were getting the best price for the items. Council Members Quan and Berry absent.

Council Member Ellis stated that he had met with Mr. Richard Lewis with regard to trying to setup a pilot project where there would be more competition in the selection process and it was his understanding that he would set up the pilot project but he could not see any harm with Council Member Edwards amendment which was forcing him to do so. Council Members Quan and Berry absent.

Council Member Ellis moved to suspend the rules to hear from Mr. Richard Lewis, Director, IT Department, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Quan and Berry absent. MOTION 2004-0557 ADOPTED.

Upon questions by Council Member Edwards, Mr. Lewis stated that historically the TPC contract had been used to purchase or procure services and software and the DIR contract had been used to procure hardware and software, so there were some scope differences, that commonality involved the software, that when the concern was raised he suggested to test the concept of TPC competing effectively with DIR for software and hardware, and allow that competition to occur and if they did see that the DIR price was not lower in every case then they ought to change it and do it every time, but with \$500 million worth of IT procurement by the State of Texas those prices should be pretty low, that they did compete recently on a buy of computers for HPD and did compete the DIR vendors among themselves and did have four very competitive proposals, that there was a question at the committee meeting on Monday that had to do with MWBE participation and they said they would like to bring that back in 90 to 120 days and the results of the pilot could be accomplished within that time frame, that TPC was not the only one, they could do it with a selection through the Strategic Purchasing Department.

Council Member Edwards stated that she would be willing to rescind the amendment if the pilot program was going to be put in place and asked Mr. Lewis if there was a date to start the pilot program and Mr. Lewis stated that it would be immediately, and Council Member Edwards asked Mr. Lewis if he or someone from his staff could get with her and further explain it out, and Mr. Lewis stated that he would be glad to, and Council Member Edwards stated that she would withdraw her amendment and Mayor White stated that they would entertain it as an item on the agenda after the results of the pilot program. Council Members Quan and Berry absent.

Council Member Galloway stated that they did have a meeting of the MWBE Committee on Monday to answer some of the questions but it seemed there were other concerns that came up after the meeting that were brought to her attention and others and she would really like those questions answered so she could have a better understanding and moved to postpone Item No. 75 for one week, seconded by Council Member Wiseman. Council Member Quan absent.

After further discussion by Council Members, a vote was called on the motion to postpone Item No. 75. Council Member Lawrence voting no, balance voting aye. Nays none. Council Member Quan absent. MOTION 2004-0558 ADOPTED.

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

Council Member Ellis stated that as the Mayor and Ms. Johnson talked about earlier on the pricing of the Water and Sewer Enterprise fund that they had a net present value savings of \$81 million so the transaction was a good transaction, that he wanted to talk about the professionalism that the Mayor's and Controller's office offered in New York over Monday and Tuesday as well as how the financial advisors worked for the City of Houston, that Coastal Securities did an excellent job in negotiating the pricing, that he believed that the underwriters did an excellent job. Mayor White and Council Members Khan and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Ellis stated that they circulated a memo of rules to help govern the budget process and if there were any questions that anybody may have they could give him a call, that as they all knew they would start on Tuesday. Mayor White and Council Members Khan, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Green moved to extend the meeting time to 12:50 p.m., seconded by Council Member Galloway. Council Member Ellis and Goldberg voting no, balance voting aye. Mayor White and Council Members Khan, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0559 ADOPTED.

Council Member Galloway stated that she wanted to commend all the callers who called her office to help and support for Mrs. Sherman, one of her constituents who was arrested yesterday for bringing a weapon to City Hall, that she also wanted to commend the officers who apprehended the gun as well as for the treatment of Mrs. Sherman, that anyone who could assist Mrs. Sherman should feel free to call her office at 713-247-2009. Council Members Lawrence, Khan, Ellis, Quan, Green and Sekula-Gibbs absent.

Council Member Goldberg stated that there was an expose done on Channel 2 basically showing Police Officer Adolph Beck just goofing off and really not doing his job, that he had called his supervisor and they were going to look into it, that there were two sides for every story and he would like to request that there be an investigation and that the station that did the expose to provide the tape for the investigation. Council Members Lawrence, Galloway, Khan, Ellis, Quan, Green and Sekula-Gibbs absent.

Council Member Goldberg stated that he wanted to commend the Parks Department, particularly Mr. Rick Deweiss and Mr. Abel Gonzales, that driving through Memorial Park on

Memorial Drive it absolutely looked outstanding. Council Members Lawrence, Galloway, Khan, Ellis, Quan, Green and Sekula-Gibbs absent.

Council Member Wiseman stated that she had issues with the proposed ordinance under consideration and wanted to point out some concerns that she could share with her constituents and others in the City who were interested in it, that the ordinance as drafted was over broad, if there was a concern to address safety on the freeways she totally supported that, that the law was very clear that they must pass ordinances that were not in direct conflict with State or Federal statutes, that the Texas Transportation Code had provisions within it that addressed where and when people could pull over onto a shoulder; that Texas Law provided for emergency towing of vehicles on a non consent basis, to turn every tow on all of the freeways to non consent tows did not make sense and did not comply, that if they pulled over on a shoulder and had a flat tire and wanted to use their tool to change it they could not because according to the ordinance they were violating the law, if they owned a tow truck and wanted to go get the vehicle they could not because they were violating the law, that made no sense because the State in the Transportation Code had statutes to tell them where and when they could safely pull over to change a tire or address any other issue with their vehicle, that they needed to enforce the law and make sure that they had a change in their call priority for HPD so that they could clear the situations that were legitimately in violation of the law. Council Members Lawrence, Galloway, Goldberg, Holm, Khan, Ellis, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they would be having some meet the Chief meetings in District D, that tonight it would be at the Shrine of the Black Madonna at 5309 M.L.K. from 7:00 p.m. to 9:00 p.m. and on May 26, 2004 it would be at the Willie Gaye Hall at the Houston Community College at Airport and Highway 288, for more information people could call her office at 713-247-2001. Council Members Lawrence, Galloway, Goldberg, Holm, Khan, Ellis, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate the Parks and Recreation Department ASP Program, the young people had their scholarship awards last week and it was awesome, that they appreciated the work they were doing with the young people. Council Members Lawrence, Galloway, Goldberg, Holm, Khan, Ellis, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the Comets would open up the season tomorrow night, that they encouraged everyone to go out and support the young team. Council Members Lawrence, Galloway, Goldberg, Holm, Khan, Ellis, Quan, Green and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Edwards stated that on May 19, 1925 Malcolm X was born and he would have been 79 years of age today and would like to recognize the birth of a man she considered to be an awesome person in the Country's history. Council Members Lawrence, Galloway, Goldberg, Holm, Khan, Ellis, Quan, Green and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Edwards stated that last night they had a meeting in Council Member Alvarado's District regarding the Gregory Lincoln issue and the school and the possibility of the cemetery being unearthed, that there was a whole issue regarding Fourth Ward that she would like to boldly say that she thought all development needed to be stopped in Fourth Ward until the issue of the historic preservation of that community was settled, that one of the issues was that in talking to Dr. Kenneth Brown, of the University of Houston, in 1986 the building of the Houston Fire Department Maintenance Facilities on Gerard they found some bodies or remains of some people and the remains of 21 people had been sitting in Dr. Brown's office since then because the City of Houston refused to rebury them, that she would like the Mayor to take the opportunity to rectify the situation, and Mayor White asked Mr. Michael Moore to take care of

the situation and thanked Council Member Edwards for bringing it to their attention. Council Members Lawrence, Galloway, Goldberg, Holm, Khan, Ellis, Quan, Green and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Garcia stated that among the many capable City employees that they had they were losing one of them, Ms. Gloria Moreno, Health Department, that the City's loss was the County's gain, that they hated to see her go and thanked her for all of the service that she provided the City of Houston. Council Members Lawrence, Galloway, Goldberg, Holm, Khan, Ellis, Quan, Green and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he was honored to be part of the kickoff of the Houston to San Marcos leg of the Special Olympics Law Enforcement Torch Run, that it was very good to see Chief Bryan Lumpkin and Chief Danny Perales representing the Houston Police Department. Council Members Lawrence, Galloway, Goldberg, Holm, Khan, Ellis, Quan, Green and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that last week she had talked about the bagged meters that were bagged in downtown at least 24 hours prior to the actual event and then still bagged some 48 hours later, that she heard from the Municipal Courts Director, Ms. Barbara Sudhoff but she still did not get some final or definite resolution of what the policy was for the bagging of the meters and asked for someone to follow up with her, and Mayor White stated that Mr. Michel, City Attorney, would follow up with her. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Khan, Ellis, Quan, Green and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that they would have a cleanup in the Third Ward and would like to thank Mr. Fontaine, Mayor's Office, for helping to put it together and it would be on Saturday at 9:00 a.m. at Emancipation Park. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Khan, Ellis, Quan, Green and Sekula-Gibbs absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:52 p.m. upon MOTION by Council Member Alvarado, seconded by Council Member Berry. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Khan, Ellis, Quan, Green and Sekula-Gibbs 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