

City Council Chamber, City Hall, Tuesday, January 11, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 11, 2005, Mayor Bill White presiding and with Council Members Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Shelley Sekula-Gibbs, M.D. and Michael Berry; Mr. Arturo Michel, City Attorney ; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Mr. Roberto Medina, Mayor's Citizens Assistance Office and Ms. Marty Stein, Agenda Director, present. Council Member Toni Lawrence absent on personal business. Council Members Carol M. Galloway, Gordon Quan and Ronald C. Green out of the city on city business.

At 1:55 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Berry. Council Member Berry invited the disk jockeys with Mega 101 to the podium and stated that this was an important moment as Americans of Hispanic descent constituted a vital segment of the community and cross cultural needs were being addressed musically and presented a Proclamation to them saluting and commending them and proclaimed January 11, 2005, as "Chico and Roscoe Day" in Houston, Texas. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Alvarado invited those present regarding the Interliga Championship to the podium and stated that this week Houston was honored to have the super bowl in the Soccer Community here at Reliant Stadium, the Interliga 2005 Championship finals; that last year there were over 70,000 fans at Reliant for the qualifying games and many visitors came from South America and Mexico; that she wanted to thank the Houston Texans for helping to recruit the games and presented a Proclamation saluting organizers and participants, wished them a successful and rewarding event and proclaimed January 12, 2005, as "Interliga 2005 Championship Finals Day" in Houston, Texas. Council Members Goldberg, Holm, Garcia, Ellis and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Alvarado invited Chief Phil Boriskie to the podium and stated that many had been advocates in promoting women through the ranks of the Fire Department and today was pleased to join Chief Boriskie and Ms. Allison Stein and Ms. Michelle McCloed who were being promoted to Senior Arson Investigators, they would be the highest ranking women in the department and it was a historic day and invited them to the podium. Chief Boriskie stated that 23 years ago there was one female firefighter and today over 100; that two months ago there was an exam for the investigator and 24 males and 2 females signed up and the number one and number two man on the test were both females and he presented them with their badges. Council Members Goldberg, Holm, Garcia and Sekula-Gibbs absent.

At 2:08 p.m. Mayor White called the meeting to order and called on Council Member Khan who led all in prayer and in the pledge. Council Members Holm, Garcia and Sekula-Gibbs absent.

At 2:09 p.m. the City Secretary called the roll. Council Members Galloway, Quan and Green out of the city on city business. Council Members Holm and Garcia absent.

Council Members Khan and Sekula-Gibbs moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Galloway, Quan and Green out of the city on city business. Council Members Holm and Garcia absent. MOTION ADOPTED.

Council Member Berry moved that the rules be suspended for the purpose of hearing Mr. Don Armstrong, Mr. George Lopez, Mr. Riley Logue, Mr. Mauricio Valdes, Mr. Ed Gonzales and Mr. Michael Moran out of order, seconded by Council Member Wiseman. Council Member

Edwards voting no. Balance voting aye. Council Members Galloway, Quan and Green out of the city on city business. Council Member Garcia absent. MOTION 2004-0025 ADOPTED.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Ms. Ruby Mosley, Ms. Ada Jones, Mr. Keith Silis and Mr. Charles Ingram out of order, seconded by Council Member Alvarado. Council Member Edwards voting no. Balance voting aye. Council Members Galloway, Quan and Green out of the city on city business. Council Members Garcia and Berry absent. MOTION 2004-0026 ADOPTED.

Mr. Larry Lane, P. O. Box 1593, Houston, Texas (no phone) appeared and stated that he did work in support of Proposition 2 and was present to say the referendum was set after a City Hall substitute was crafted to confuse the electorate and if passed insure the status quo regarding spending, borrowing and taxation, but Proposition 2 passed and now Council had invented and twisted legal definitions in an attempt to render Proposition 2 null and void; that three Charter amendments passed and three must be adopted and the proposal to hire Vinson and Elkins to fight the will of the people was unconscionable and if they were challenging them they should at least use the legal talent already being paid for, the Legal Department; and urged each Council Member to go with the will of the people and defeat Item 19. Council Members Garcia, Ellis and Berry absent.

Council Member Wiseman thanked Mr. Lane for coming and stated that as indicated the issue was hiring outside legal counsel ; that she appreciated his comments regarding the City of Houston legal team, given they thought everything was within the law and appropriate with the Charter Amendment as drafted she would have to agree they should defend it; and the money being asked to spend on the item was out of the general fund. Council Members Garcia and Berry absent.

Council Member Sekula-Gibbs stated that Item 19 to her seemed to fly in the face of the will of the people, allowing \$250,000. of taxpayer money to be used to fight a lawsuit which was to implement a proposition passed seemed to be an effort to wert the will of the people and she could not see paying an outside law firm and planned to tag the item. Council Members Garcia and Berry absent.

Mr. John Trotter, 1510 Freedonia, Houston, Texas 77055 (713-827-1687) appeared and stated that he was present regarding Agenda Item 19 and the last time he figured it up Vinson and Elkins gave the most money to Council Members and Judges and he would be sending an E-mail asking how much was given to each from people at that address; that if the people voted for it they would make sure it was done their way. Council Members Lawrence, Garcia and Berry absent.

Council Member Alvarado stated that they had hired outside counsel to defend the City of Houston's position many times before; and upon questions, Mayor White stated that the Legal Department did go outside on non-routine matters as sometimes it managed workloads and other times a specialist may be needed and it was the practice of the city historically and he wanted to maintain it. Council Members Holm, Garcia and Berry absent.

Upon questions by Council Member Edwards, Mayor White stated that the City of Houston was being sued by the proponents of Proposition 2; and Council Member Edwards stated that she would like the Controller to respond on the fiscal affairs meeting or she would like to review the tape as she would like to get her characterization of that and get it cleared up. Council Members Khan, Holm and Garcia absent.

Council Member Sekula-Gibbs stated that regarding the 1982 Charter amendment it put a cap on spending of fifty cents for operations and that was not debt service as that had no cap, so they had removed a cap on operations and management and that was now tied to the CPI and population and no longer to the fifty cent cap and that was according to the document

received from Standard and Forest and previously she had not been aware that Proposition 1 rescinded that Charter amendment; and Mayor White stated that he understood her concern and he would provide her briefings; that those in Legal who drafted it and substituted the limitation pointed out because the limit on Proposition 2 would be stricter and result in less property revenues this was done and not with an intention to deceive, it would have resulted in less property taxes; and Council Member Sekula-Gibbs stated that if it was stricter why would the bond rating agency be so happy with those results.

Council Member Wiseman stated that there were instances where outside counsel was needed and Vinson and Elkins was talented, but so was the Legal Department and the issue here was this body put the propositions on the ballot as the Legal Department did assure them it was cosur so to now be asked to turn to outside legal counsel and spend a quarter of a million dollars to defend this she could not support it as she felt those who drafted it should support it.

Mr. Don Armstrong, 8181 Southwest Freeway, Houston, Texas 77074 (713-778-4900) appeared and spoke in favor of the SafeClear Program and stated that this was his twelfth year reporting traffic in Houston and he would commend Mayor White and those who were tackling that traffic problem and believed the SafeClear Program was in the right direction; that he had witnessed accidents and believed this program to be a winner; that he had heard concerns about the \$75.00 fee, but driving was a privilege and that included keeping up your vehicle which also cost money.

Mayor White thanked Mr. Armstrong for coming and sharing his experience.

Council Member Wiseman stated that some people wanted the right to choose what happened to their property, making this a property rights issue; that he said driving was not a right but a privilege and no one questioned that, but owning the vehicle was a right and not wanting it forcibly taken they had a right to question and her experience as a leader led her to believe the action needed was different from what he believed.

Upon questions by Council Member Sekula-Gibbs, Mr. Armstrong stated that he did not know how they would ascertain who could not afford the program and who just did not want to pay, but he believed the Metropolitan Transit Authority having taxpayer money go into their coffers would be able to assist in the situation and he believed they already had a wrecker program available for the HOV lanes and maybe a coordinated effort between them and the City of Houston would be an answer.

Mayor White stated that he and others thanked the traffic reporters for their feedback as no one had a better advantage in traffic; that he knew there were issues still, but the thanked them for their eyes and ears.

Upon questions by Council Member Edwards, Mr. Armstrong stated that he was a traffic reporter limited to Houston and the Houston area; that MAP, the Motorist Assistance Program, was an excellent program and it was certainly something to look at in getting cars off freeways.

Mr. George S. Lopez, 5802 Buffalo Speedway, Houston, Texas 77005 (713-542-8284) appeared, presented information to Council Members and stated that he was co-chair of the Housing Opportunities Lenders Committee which represented 136 lenders with the Houston Housing Assistance Program; that December 10th HUD gave an order to cease and desist to use the home funds and he did not know why but what people lost site of was the impact with housing opportunities and people trying to purchase homes; that many had given notice to apartments they were moving and made commitments they were now not able to fulfill and things changed and the families may now never be able to be home builders and encouraged all to work with HUD and rectify the problem and start closing loans and get families in their homes. Council Member Ellis absent.

Mayor White thanked Mr. Lopez for coming and stated that it was being worked on daily; that the Mayor's Report next week would hold a report. Council Member Ellis absent.

Council Member Alvarado stated that this issue was an evolving problem and hard to see light at the end; that Mr. Wilson was new to the job and she hoped he was listening as this caused a trickle down effect of problems with children missing school and people missing work and did hope this was priority. Council Member Ellis absent.

Council Member Sekula-Gibbs stated that she was pleased Mayor White would be bringing his proposal with interim solutions; and upon questions, Mr. Lopez stated that they estimated between 60 and 80 buyers were losing closings; and upon questions, Mayor White stated that if he were HUD he would have done it different, but so as not to provide misinformation he would make sure her office was briefed this week.

Council Member Garcia stated that this was of extreme urgency and he too sat with Mr. Wilson and appreciated the priorities set; that he understood what was at risk and how difficult the issue was and he appreciated his leadership. Council Member Goldberg absent.

Mr. Michael Moran, who had previously been added to the speakers list, appeared and stated that without the movement of real estate there was an impact on the City of Houston and the urgency continued further up the ladder; that he was happy participating in the program but without closing money it stopped. Council Members Goldberg, Ellis and Berry absent.

Upon questions by Mayor White, Mr. Moran stated that he was familiar with the Home Program and it was a good program; and Mayor White stated that to terminate the program was overkill and he would appreciate him sharing his views with those in government; that he understood certain information should be in files and now there was a new team in and he did not think the baby should be thrown out with the bath water. Council Members Goldberg, Holm, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Riley Logue, 120 John Alber Road, Houston, Texas 77076 (281-204-7484) appeared and stated that he was with a group of home builders and realtors and working with the homes for Houston program for six years; that 50% of their sales utilized the \$9,500 program and they just completed seven homes of those four were in HOH and three of those had checks cut but they were not yet signed; that it was a great program and he urged Council's help. Council Members Goldberg, Holm, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Mauricio Valdes, 12604 Rip Van Winkle, Houston, Texas 77024 (713-973-8300) appeared and stated that he was representing Casa Realty and had worked with the program since its inception and in his experience most of the buyers were first time buyers in the Hispanic community and they needed the program to get into a home; and he appreciated their trying to get the program reinstated. Mayor White, Council Members Goldberg, Holm, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Valdes stated that he had written E-mails to representatives. Council Member Edwards stated that Council Member Quan should get information from today as he was over the Housing Committee; and Mayor Pro Tem Alvarado stated that the next committee meeting would be in District H and he was welcome to attend. Council Member Edwards stated that he should send remarks to Secretary Jackson of HUD and to make sure Council Member Quan was aware of those concerns also. Mayor White, Council Members Lawrence, Goldberg, Holm, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to make sure the process was efficient, user friendly and non-bureaucratic and if he had ideas on it would suggest forwarding them to

his office or to Mr. Wilson directly and a copy to him. Mayor White, Council Members Lawrence, Goldberg, Holm, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Ed Gonzales, 1518 Morse, Houston, Texas 77019 (713-446-9021) appeared and stated that the Real Estate Association and Houston Association of Realtors were requesting the City of Houston to reinstate HUD funding for the Home Program as soon as possible by responding to HUD's recommendation immediately. Mayor White, Council Members Lawrence, Goldberg, Holm, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he heard points of frustration from realtors and clients and if he had any ideas what Council could do at the local level he would appreciate them. Mayor White, Council Members Lawrence, Goldberg, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Ruby Mosley, 862 South Victory, Houston, Texas 77088 (281-447-6095) appeared and stated that over a year ago the Mayor and Secretary of HUD met with them to assure home repairs would be immediately moved on, but they were still at square one and she wanted to know the status of the program and when results would be seen that also over 200 officers were moved around and the community was cut short of manpower so what were plans for new officers; and she would like to relinquish her time to Ms. Lewis. Mayor White, Council Members Lawrence, Goldberg, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that no quorum was present and with no objections they would hear from Ms. Lewis. Mayor White, Council Members Lawrence, Goldberg, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she would make sure Mayor White received her questions and regarding the housing situation Secretary Jackson came and she still had concerns how it would be carried out; and on the police there was a cadet movement. Mayor White, Council Members Goldberg, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Eleise Lewis, 6515 Bayou View, Houston, Texas 77091 (713-204-3686) appeared and stated that she had several complaints one being METRO came to the area and took buses off routes; that they were now being told the storefront on West Montgomery would be closed and too many things were being taken away; that the officers were important to their community and she was upset regarding both items. Mayor White, Council Members Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that the issue on METRO was being talked about in several communities and a lot dealing with storefront hours being cut was retirement, etc., but once again would try and get answers for her and would suggest her calling Dr. Carol Lewis, the Mayor's advisor on transportation regarding the busses. Mayor White, Council Members Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Ada Jones, 1563 Fashion Hill Drive, Houston, Texas 77088 (281-591-0157) appeared and stated that on behalf of the Acres Homes community they needed their storefront involved again with officers to serve; and upon questions, Mayor Pro Tem Alvarado stated that Mr. Fontiane was getting her information on the new cadet class; and Ms. Jones asked those present with her to stand to be recognized; and further stated that in Willow Run they needed speed humps. Mayor White, Council Members Wiseman, Holm, Garcia, Sekula-Gibbs and

Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Kieth Silis, who was previously added to the speakers list, was not present when his name was called. Mayor White, Council Members Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Charles Ingram, 5503 Mountwood, Houston, Texas 77091 (713-681-4206) appeared and stated that he was president of the Acres Homes Citizen Council and was present to speak on the storefront; that hours were reduced so now crime was starting to rise again; that schools were being built and infrastructure was coming and they were still fighting for services available to others. Council Members Wiseman, Holm, Sekula-Gibbs and Berry absent.

Mayor White stated the he would say to him and others present with him that he had heard them and knew they were very active citizens and appreciated them being present. Council Members Wiseman, Holm, Sekula-Gibbs and Berry absent.

Council Member Lawrence stated that it was her understanding there were no storefronts being closed, but hours were being cut; that they were working to run more classes and hopefully by the middle of the year officers would be increased. Council Members Wiseman, Holm and Berry absent.

Council Member Sekula-Gibbs stated that to all those from Acres Homes she wanted to express her support and she would be honored to work with them. Council Members Wiseman, Holm and Berry absent.

Mr. Roy Leck, 16700 E. Hardy Road, Houston, Texas 77032 (713-503-9822) appeared and spoke in favor of the SafeClear Program and stated that he believed it reduced accidents and danger to citizens, it reduced the amount of wreckers on the scene and rubbernecking which kept traffic flowing. Council Members Wiseman, Holm and Berry absent.

Mr. William R. Morris, 6603 Linden, Houston, Texas 77087 (713-921-4500) appeared and spoke against the SafeClear Program and stated that the ordinance impacted many who could not afford it and it should be looked at again; and under the State Transportation Code, Section 545.302 and .305 it said nothing about allowing it. Council Members Edwards, Holm and Berry absent.

Council Member Wiseman stated that the Ordinance did not allow six minutes for a individual to remove their vehicle, the six minutes was imposed on the tow truck drivers from the time they were aware of it to the time it should be removed and with respect to the Transportation Code cited she reviewed it also and found where they did not have legal authority to pass it and that was her concern; that people who swerve and hit cars on the shoulder were bad drivers and could have just as easily swerved and hit someone in the moving lane of traffic so it was not true to say the problem arose from having a vehicle on the shoulder. Council Members Edwards and Holm absent.

Council Member Garcia stated that the issue on people living paycheck to paycheck, he looked for a customer friendly program and this program was good for public safety reasons and that was why he voted for it, but with people working two to three jobs trying to make it they could really be thrown into a tailspin and his comments early on was to focus on those issues and make sure goals of congestion were addressed and keep people safe. Council Members Edwards and Holm absent.

Mayor White stated that he wanted to thank Council Member Garcia in particular for raising early on concerns about folks who made it to the shoulder and who wanted to wait for someone they knew. Council Members Edwards and Holm absent.

Council Member Khan stated that he did vote for the ordinance; and upon questions, Mr. Morris stated that he did not believe the City of Houston had the authority and had a concern regarding the sensitivity because if you had a low paying job you would have bad tires, run out of gas and have mechanical problems at times. Council Members Edwards and Holm absent.

Mayor White stated that he got his view and understood his point. Council Members Edwards and Holm absent.

Council Member Berry stated that he felt Mr. Morris wanted what they all wanted which was the right thing for the community; that he spent the last year focusing on the issue and it took a lot of the Mayor's time, a lot of behind the scene study and in front of the public consideration; that there would be more changes and at the end all might not like it, but there would be a program that worked; and he looked forward to hearing from him. Council Members Edwards and Holm absent.

Mr. Brent Walker, 1600 Highway 6, Houston, Texas (281-381-0434) appeared and spoke in favor of the SafeClear Program and stated that he had a former law enforcement background and worked with Progressive Insurance and had seen freeway accidents and congestion and secondary accidents and as an insurance agent knew many accidents were because traffic stopped or slowed and he felt the program would reduce congestion and get people to destinations safer; that he did recognize concerns such as the \$75.00, the six minute response time and the flat tire scenario, but did not want the benefits overlooked. Council Members Edwards, Holm, Alvarado and Berry absent.

Council Member Sekula-Gibbs stated that almost every insurance program she heard from liked the program and she understood it was because it capped the money a person being towed had to pay; that the biggest hole in the plan was how to deal with those who could move their car in a reasonable amount of time under their own steam or simply did not have funds; that they were going through background checks with them and hoped they would deliver the courtesies and professionalism for citizens on the side of the road; and upon questions, Mr. Walker stated that he received complaints more than praises but thought the idea of background checks might be a good step forward; that the Police Department Auto Detail did an excellent job and maybe their complaint process could be used or a spin-off of that. Council Members Edwards, Holm, Alvarado and Berry absent.

Upon questions, Mayor White agreed that there was a process which maybe could be used and stated that Auto Detailers Detail was being beefed up significantly. Council Members Edwards, Holm and Berry absent.

Council Member Wiseman stated that on the back of everyone's drivers license there was a 1-800 number for roadside assistance and she was concerned about this ordinance as she did not want people to lose their jobs or their homes. Council Members Edwards, Holm and Berry absent.

Council Member Khan stated that a consent tow was a lot of money and he understood how some tows could be considered unreasonable but the whole program should not be attacked when it would help and save many lives. Council Members Edwards, Holm and Berry absent.

Mr. Anthony W. Morris, 5514 Blake, Houston, Texas 77054 (713-664-5362) had reserved time to speak but was not present when his name was called. Council Members Edwards, Holm and Berry absent.

Mrs. Evelyn Chervenak, 13330 Grants Road, Cypress, Texas 77429 (832-717-4472) had reserved time to speak but was not present when her name was called. Council Members Edwards, Holm and Berry absent.

Mr. John Chervenak, 13330 Grants Road, Cypress, Texas 77429 (832-717-4472) appeared, presented information and stated that he was director of a new and upcoming non-profit organization called Above All Ministries and they were established as a response to an on going problem of homelessness; that they understood the City of Houston was in the process of removing all the homeless from under the Pierce Elevated and they were present asking that the city donate a building or warehouse in an area they would be comfortable having the homeless. Council Members Edwards, Holm, Garcia and Berry absent.

Mr. Troy Burwell, P. O. Box 421043, Houston, Texas 77242-1043 (713-201-4542) appeared and spoke in opposition to the SafeClear Program and stated that he was a business owner in Houston and was concerned about the SafeClear Program as it did not appear to be the way to ease traffic congestion; that there were many issues with it, one being that the U. S. Congress felt owners of vehicles should have the right to choose service providers and he had two roadside service providers on his vehicles; that the State of Texas laws stated you had up to 48 hours unless your vehicle was in the lanes of traffic and this city ordinance discriminated against the poor and handicapped. Council Members Edwards, Holm, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that heavy tows did not fall under the \$75.00 fee and from what she understood there was at least one director concerned about his employees who used personal vehicles on city business and wondered if the City of Houston was going to reimburse them. Council Members Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Burwell stated that currently there was a MAP Program paid for by fees on cell phones and instead of dispatching a tow truck if they dispatched a call to MAP a driver could assess what was needed and if he could not handle it then the vehicle's driver could call their own service or a truck could be dispatched. Council Members Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Dr. Dorothy J. Page, 6703 Barbados Drive, Houston, Texas 77088 (281-999-2307) appeared and stated that she was a prophetess of the Lord and present opposing the SafeClear Program; that many were being oppressed by the situation and God was not pleased; and continued expressing her personal opinion until her time expired. Council Members Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Ms. Delores Blomstrom, 5903 Witchwell, Katy, Texas 77449 (281-858-5930) had reserved time to speak but was not present when her name was called. Council Members Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Ms. Rosalinda Ramirez, 5007 Danfield Drive, Houston, Texas 77053 (713-413-3205) had reserved time to speak but was not present when her name was called. Council Members Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak but was not present when his name was called. Council Members Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Ms. Evelyn Silva, 3125 Crestdale, Houston, Texas 77080 (713-895-9335) had reserved time to speak but was not present when her name was called. Council Members Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Mrs. Genesis Silva, 3125 Crestdale, Houston, Texas 77080 (713-895-9335) had reserved time to speak but was not present when her name was called. Council Members Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Joe Marquez, P. O. Box 34392, Houston, Texas 77234 (713-910-1419) appeared, presented information and spoke in opposition to the SafeClear Program and stated that if traveling through Houston and something goes wrong you call your tow service and take your family across to eat while waiting and then find out your car and trailer was gone, not by your service, you did not know what happened and then find out you had thousands of dollars in towing charges, phone calls, hotel bills, etc., and all brought to you courtesy of the Houston Council and it needed to be fixed now. Council Members Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Edward Foster, 6305 Peacock Field, Houston, Texas 77035 (281-948-4762) had reserved time to speak but was not present when his name was called. Council Members Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Steve Hodgson, 1803 27th Street, Galveston, Texas 77550 (409-762-0193) appeared, presented information and spoke in opposition to the SafeClear Program and stated that he lived in Houston but did commute and felt the tow should be only off the nearest exit of the freeway to a safe place and the price should be competitive; that he completely endorsed the MAP program and this program was a nightmare. Mayor White, Council Members Goldberg, Edwards, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Chris Tripoli, 10910 Brit Oak Lane, Houston, Texas 77079 (281-293-0077) appeared and spoke in opposition to the SafeClear Program and stated that in safety programs throughout the nation they taught to get to the shoulder, but now in Houston it was get to the shoulder and have \$75.00 in your glove box and it was not just the money issue but the choice; that this was good intention and bad implementation and the shoulder should be exempted. Mayor White, Council Members Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Gwendolyn Crawford, 3114 Gray, Houston, Texas 77004 (713-631-1813) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Patricia Guidry, 4415 Botany Lane, Houston, Texas 77047 (713-731-0200) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Adriana Navia, 416 Murray, Houston, Texas 77009 (713-228-8651) appeared with an interpreter and spoke in opposition to the SafeClear Program and stated that the MAP program was free and helped the people more than the city was doing, what would happen to those who could not get their cars from the lots; that they should get a free tow and be taken just off the freeway. Mayor White, Council Members Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that they were still working on changes and the Mayor would present them this week or next week. Mayor White, Council Members Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Alana Hill, 3306 Columbia, Houston, Texas 77018 (713-294-4022) appeared, presented information and spoke in opposition to the SafeClear Program and stated that ACORN shared the position the program was too extreme and unfairly impacted the poor with

them being the hardest hit and they believed the ordinance must be reformed. Mayor White, Council Members Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he was proud of what ACORN was doing; and upon questions, Ms. Hill stated that she had free towing and would prefer her daughter to wait on the one they called if she broke down; that she did not think there were statistics to say if someone was on the shoulder they caused an accident, rubbernecking had always been there, but there was more construction than stalled cars; and if someone else was picking up her daughter she did not know she would be safe. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Wiseman, Ms. Hill stated that ACORN stood for Associations of Communities On Reform Now, they were a grassroots organization of low-moderate income people; that she did see officers pulled over on the shoulder and did not see why that should be different. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Windemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Emalia Perez, 17965 Band, Houston, Texas 77049 (832-755-6502) appeared with an interpreter in opposition to the SafeClear Program and stated that she was unhappy with the program, November 22nd when the law was not enforced yet she was forced to pay the \$75.00 when her son had already changed the tire, they told her about the SafeClear Program. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Alvarado, Ms. Perez stated that it was on I-45 and if that happened then what would happen now; that the program hurt the poor. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that she agreed with her and thanked her for coming. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Sara Dunning, 570 Kenwood Lane, Houston, Texas 77013 (713-455-7043) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Jeanette Rash, 2104 Lyons, Houston, Texas 77020 (713-228-8872) appeared, presented information and spoke in support of the SafeClear Program and stated that she came because she was very upset about the violence promoted by some talk show host against her tow truck drivers and all tow truck drivers; that if one driver was to get hurt or killed they would all get together and hold people accountable for what was said and done; that they were working twice as hard for half the money and they were willing to address concerns, but the plan should not be thrown out. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Alvarado, Ms. Rash stated that out of the tows they

had done about 99% of them were glad to be taken off and to where they wanted to go; that it was 100% better than yesterday and she loved the MAP Program and they should compliment each other; that they along with Harris County, METRO, TXDOT, etc., needed to be brought back into the fold; that an accident in Sugarland had just as big an impact on Houston traffic as a downtown accident. Council Members Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Rash for all she had done for years; that she had asked for improvement long before he became Mayor. Council Members Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan thanked Ms. Rash for all she had done and stated that he respected their industry and received many calls from people who were appreciative of the program; that he understood all could not pay \$75.00 and if it was just gas, etc., would not want a tow and he would appreciate some things being looked at but knew smart people were looking for other solutions. Council Members Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Wiseman, Ms. Rash stated that she had three segments total and paid a total of \$143,000. for a year. Council Member Wiseman stated that if anyone believed this program would help keep people from getting hurt or killed they were wrong, but she was not opposed to the industry and supported no one speaking about harming drivers. Council Members Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she rode with drivers at the beginning of the program and saw what she needed to see; that the program needed to be tweaked and she appreciated all those willing to give hours toward that. Mayor White, Council Members Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that the Council meetings would flow much better if they stuck to the rules and quit talking so much; that he wanted Council sessions broadcast live on the internet along with a posted list of speakers; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Reginald Butler, 2610 Ridge Hollow Drive, Spring, Texas 77067 (713-550-7887) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Patricia Nevels, 17410 Marl Way, Houston, Texas 77532 (281-462-8778) appeared and spoke in opposition to the SafeClear Program and stated that she would like the Mayor and Council to be mindful of the poor when they made laws and she liked the MAP Program and agreed people should be able to use their own means to tow; suggested that Shepherd be made into a toll road; and she had questions regarding bankruptcy and homestead laws. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Ms. Dillard was present and would speak with her at this time. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Dean Becker, 11215 Oak Springs, Houston, Texas 77043 (281-752-9198) had

reserved time to speak but was not present when his name was called. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Tom Lewis, 1509 Fairview, Houston, Texas 77006 (713-522-2309) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. John Flados, 3914 Echo Grove Lane, Houston, Texas 77043 (713-299-3618) appeared and stated that Mr. Becker and Mr. Lewis had to leave due to the time and he was present regarding medical marijuana; that the legislative session would be starting soon and he wondered what to do to get the Mayor and Council to pass a resolution taking a stand on the issue and urging the Texas Legislature to authorize a Bill. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that to request a resolution all he needed to do was what he was doing, just request it or draft one and send it to them, but they tried not to pass Resolutions on things they did not control and there were many things at the Legislature Council felt strongly about, he had made his request, but his guess was it was unlikely. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Dorothy Hubbard, 2701 Mansfield Road, Houston, Texas 77091 (713-681-6657) appeared and stated that she owned property at 2728 Mansfield that was sold for delinquent taxes and there were no delinquent taxes and explained the ownership from the time she inherited the property in 1967; and that she had been to the Appraisal District. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Olevia Randle, 6023 Beldart, Houston, Texas 77033 (713-733-2348) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated that it was time for his and Michael Jackson's television meeting; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Juan Romero, 7575 Bissonnet, Houston, Texas 77072 (713-614-1472) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Billie Jones, 3261 Simmons, Houston, Texas 77004 (713-659-6945) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Ada Lacy, 2948 Payson, Houston, Texas 77021 (713-741-1338) appeared and stated

that she lived in the Central City Subdivision and was present in opposition to the TMC parking garage; that her parents had owned their home their until their death and her son lived there now; that they had also bought in the area years ago; that the renewing of deed restrictions was done as they felt it would keep their neighborhood safe and she hoped to leave her home to her children as her parents had done. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that Council Member Edwards asked that she let them know she had to leave because of a meeting but was standing in support of them. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that the Mafia had a car theft line, processing them and leaving them on freeways; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (713-654-0037) appeared and stated that on the proposed smoking ordinance if the Mayor would get restaurants and bars to give proper notice to non smokers there would not be an issue with a complete ban on smoking; and if Texas did not allow drinking at bus stops the issue of smoking at bus stops needed to be addressed and he wanted to know if the Mayor would be taking any action. Council Members Galloway, Sekula-Gibbs and Berry absent.

Ms. Sandra Lopez, 2805 Lockett, Houston, Texas 77021 (713-741-0650) appeared and stated that she was present to give the Mayor and Council an update on where they were with the Texas Medical Center; that they were still opposed to the garage and the Medical Center did not adequately respond to them; that they had learned about eminent domain which was for the good of the public and they wanted Council's support. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:34 p.m. City Council recessed until 9:00 a.m., Wednesday, January 12, 2005. Council Members Galloway, Quan and Green out of the city on city business. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, January 12, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 12, 2005, 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. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 9:23 a.m. Mayor White reconvened the meeting of the City Council. Council Member Galloway, Goldberg, Garcia and Ellis absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 55

MISCELLANEOUS - NUMBER 1

1. RECOMMENDATION from Chief of Police for allocation of funding for Forensic DNA Analysis Services as follows - General and Grant Funds:
IDENTIGENE, INC. - \$827,500.00
ORCHID BIOSCIENCES, INC. - \$797,500.00
RELIAGENE TECHNOLOGIES, INC - \$100,000.00

- was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. MOTION 2005-0027 ADOPTED.

DAMAGES - NUMBER 2

2. RECOMMENDATION from City Attorney for settlement of lawsuit styled **SOUTHWESTERN BELL TELEPHONE, L.P.** v. City of Houston; in the County Civil Court at Law Number Two (2) of Harris County, Texas; Cause No. 804,208 - \$70,000.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. MOTION 2005-0028 ADOPTED.

ACCEPT WORK - NUMBERS 3 through 7

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$313,450.50 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Construction of Ley Road at Kirkpatrick Street Improvements, GFS N-0587B-01-3 (N-0587B-01) - 01.01% under the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. MOTION 2005-0029 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,199,007.06 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Neighborhood Sewer System Improvements in Junction City and Pinewood Village, GFS R-2011-18-3 (4809-1) - 07.94% under the original contract amount - **DISTRICTS B - GALLOWAY and H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. MOTION 2005-0030 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,590,073.85 and acceptance of work on contract with **GARVER CONSTRUCTION, LTD.** for Infiltration and Inflow Correction in the FWSD #23 and Red Gully Service Areas, GFS R-2014-02-3 (4795-1) - 07.08% under the original contract amount **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. MOTION 2005-0031 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,227,184.37 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Marylyn Estates and

Sharpstown Area Water Line Replacement, GFS S-0035-60-3 (WA10591) - 06.07% under the original contract amount **DISTRICTS C - GOLDBERG and F - KHAN** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. MOTION 2005-0032 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,694,883.26 and acceptance of work on contract with **JALCO, INC** for Construction of 48-Inch Water Line along Westview Drive and Rail Road Easement from Wisterwood Drive to Katy-Addicks Pump Station, and 30-inch and 36-inch Water Lines along Brittmoore Road and Rail Road Easement from Timber Oak Drive to Old Katy Road, GFS S-0900-47-3 (WA10604) - 04.82% under the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. MOTION 2005-0033 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 and 9

8. **STAGELIGHT, INC** for Theater Projection Screens for Convention & Entertainment Facilities Department - \$44,239.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. MOTION 2005-0034 ADOPTED.
9. RECOMMENDATION from Finance & Administration Department for approval of spending authority in an amount not to exceed \$207,889.00 for Automotive Tools and Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments, awarded to **SNAP-ON INDUSTRIAL** General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. MOTION 2005-0035 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 55

11. ORDINANCE **AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Sale of Alcohol within the City – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Galloway, Goldberg, Garcia and Ellis absent.
14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 9-foot wide portion of a 38-foot wide alley, located at 722 West 17th Street, adjacent to Lots 10 and 11, Block 127, Houston Heights Addition, John Austin Two League Survey, A-1, Harris County, Texas, containing 450 square feet (0.0103 acre) of land, more or less; vacating and abandoning said tract of land to John Palmer, the abutting owner, in consideration of owner's payment of \$4,800.00 and other consideration to the City - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0016 ADOPTED.
21. ORDINANCE awarding contract to **PRAGER, INC** for Lightnin Mixer Repair/Overhaul Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$2,203,724.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0017 ADOPTED.
23. ORDINANCE appropriating \$14,947.50 out of Police Consolidated Construction Fund for

CACTUS BUILDERS, INC for Construction Services in connection with the AFIS Upgrade Project, CIP G-0071-07-3 - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0018 ADOPTED.

24. ORDINANCE de-appropriating \$400,000.00 from Convention and Entertainment Construction Fund appropriated under Ordinance No. 2002-0284, \$700,000.00 from Convention & Entertainment Development Fund appropriated under Ordinance No. 2001-0812; appropriating \$400,000.00 from Convention & Entertainment Construction Fund, \$700,000.00 from Convention & Entertainment Development Fund, and \$913,825.00 out of Convention & Entertainment Construction Fund, awarding construction contract to **DIVISIONONE CONSTRUCTION, LLC** for Construction of Wortham Center Orchestra Pit Enhancement, GFS B-0078-01-3, setting a deadline for 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, construction management and contingencies relating to the construction of facilities financed by the Convention & Entertainment Construction Fund and Convention & Entertainment Development Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0019 ADOPTED.
30. ORDINANCE appropriating \$167,690.00 out of Water & Sewer System Consolidated Construction Fund and \$204,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing Developer Participation Contract between the City of Houston and **KB HOME LONE STAR, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Sierra Vista Subdivision, CIP S-0800-F7-03 and R-0800-F7-03 **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0020 ADOPTED.
31. ORDINANCE appropriating \$1,915,000.00 out of Water & Sewer Consolidated Construction Fund, awarding construction contract to **C & C SERVICES** for Construction of Water Line Replacement in Alabama Subdivision Area, GFS S-0035-A2-3 (WA10762); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required a contract documents to the City; providing funding for engineering and testing services, project management and contingencies relating to the construction of facilities financed by the Water & Sewer Consolidated Fund - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0021 ADOPTED.
32. ORDINANCE awarding construction contract to **SER CONSTRUCTION PARTNERS, LTD.** for Construction of Water, Sanitary Sewer and Storm Drainage Systems to serve the Majestic Estates Subdivision, CIP S-0800-B6-03 and R-0800-B6-03 (DPC-69); approving and authorizing assignment of the construction contract to **MAJESTIC HOMEBUILDERS, INC**; 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; holding the bidder in default if it fails to meet the deadlines **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0022 ADOPTED.

**MATTERS RELATED TO THE CALLING OF PUBLIC HEARINGS TO BE HELD ON
FEBRUARY 9 AND 16, 2005 - NUMBERS 33 through 55**

33. **ORDINANCE** calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **GRAND LAKES 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 **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 1**, in Fort Bend County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0023 ADOPTED.

34. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 4** 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 MUNICIPAL UTILITY DISTRICT NO. 4** and certain territory located in the vicinity of Grand Lakes Municipal Utility District No. 4, in Fort Bend County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0024 ADOPTED.
35. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 2** 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 MUNICIPAL UTILITY DISTRICT NO. 2**, in Fort Bend County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0025 ADOPTED.
36. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT 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; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0026 ADOPTED.
37. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT 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; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0027 ADOPTED.
38. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CINCO MUNICIPAL UTILITY DISTRICT NO. 12** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **CINCO MUNICIPAL UTILITY DISTRICT NO. 12** and certain territory located in the vicinity of Cinco Municipal Utility District No. 12, in Fort Bend County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All

voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent.
ORDINANCE 2005-0028 ADOPTED.

39. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the 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; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0029 ADOPTED.
40. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 276** 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. 276**, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0030 ADOPTED.
41. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 132** 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. 132** and certain territory located in the vicinity of Harris County Municipal Utility District No. 132, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0031 ADOPTED.
42. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 152** 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. 152**, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0032 ADOPTED.
43. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109** 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. 109** and certain territory located in the vicinity of Harris County Municipal Utility District No. 109, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0033 ADOPTED.
44. ORDINANCE calling public hearings at which interested persons will be given the

opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153** 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. 153**, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0034 ADOPTED.

45. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120** to enter into an amendment to the 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. 120** and certain territory located in the vicinity of Harris County Municipal Utility District No. 120, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0035 ADOPTED.
46. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 133** 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. 133** and certain territory located in the vicinity of Harris County Water Control And Improvement District No. 133, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0036 ADOPTED.
47. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 186** 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. 186** and certain territory located in the vicinity of Harris County Municipal Utility District No. 186, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0037 ADOPTED.
48. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** 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. 21**, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0038 ADOPTED.
49. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the strategic partnership

agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Fountainhead Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0039 ADOPTED.

50. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61** 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. 61** and certain territory located in the vicinity of Harris County Fresh Water Supply District No. 61, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0040 ADOPTED.
51. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 29** 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. 29**, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0041 ADOPTED.
52. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTH PARK PUBLIC 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 **NORTH PARK PUBLIC UTILITY DISTRICT**, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0042 ADOPTED.
53. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 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; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0043 ADOPTED.
54. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 63** to enter into an amendment to the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 63**; providing for the publication of notice of such hearings;

containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0044 ADOPTED.

55. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 62** to enter into an amendment to the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 62**; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. ORDINANCE 2005-0045 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

RESOLUTIONS AND ORDINANCES

10. RESOLUTION of the City Council of the City of Houston, Texas, amending Resolution No. 2004-21 relating to declaring an intention to reimburse project expenditures – was presented. All voting aye. Nays none. Council Member Galloway, Goldberg, Garcia and Ellis absent. RESOLUTION 2005-0001 ADOPTED.
12. ORDINANCE **AMENDING SECTION 14-182 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Removal. Demotion and Suspension of Employees – was presented, and tagged by Council Member Galloway. Council Member Garcia absent.
13. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the term Department Director – was presented, and tagged by Council Member Galloway.
15. ORDINANCE issuing a permit to **SJPB, LLC** for using, occupying, operating, maintaining, and repairing a pedestrian tunnel and basement Vault space abutting Block 417 S.S.B.B. and within Gray Avenue, Crawford Street and Pierce Avenue, Public Street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2005-0046 ADOPTED.
16. ORDINANCE approving and authorizing Occupancy Agreement between **HEAR O'ISREAL INTERNATIONAL D/B/A LISTEN TO THE CRIES OF THE CHILDREN NATIONAL**, as occupant, and the City of Houston, Texas, as owner, for space in the Magnolia Multi-Service Center **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2005-0047 ADOPTED.
17. ORDINANCE approving and authorizing Occupancy Agreement between **ARC OF GREATER HOUSTON**, as occupant, and the City of Houston, Texas, as owner, for space in the Metropolitan Multi-Service Center - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2005-0048 ADOPTED.
18. ORDINANCE approving and authorizing contract between the City of Houston and **RIVER OAKS HEALTH ASSOCIATION** providing up to \$376,910.00 in Housing Opportunities For Persons With AIDS Funds, which sum includes a limitation of additional funding in the amount of \$188,455.00, for the Administration of a Housing Assistance and Supportive Services Program in connection with a Community Residence - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Edwards. (Note: Council Member Edwards released her tag later in the meeting.)

19. ORDINANCE approving and authorizing agreement for Legal Services between the City and **VINSON & ELKINS L.L.P.** for Litigation Support related to passage of Proposition 1 and Proposition 2 on the November 2, 2004, Ballot; providing a maximum contract amount \$250,000.00 - General Fund – was presented, and tagged by Council Members Edwards, Lawrence, Khan, Sekula-Gibbs, Quan, Holm and Ellis.

Council Member Ellis stated that when he first read about the item with regard to outsourcing to Vinson & Elkins to defend the City's position with regard to Proposition 2 he was a little bit irritated, first of all that they got themselves into this position and secondly from the Proposition 2 people that were pursuing the City, that he had he been in Council for 5 years and over the 5 years they had continuously downsized the Legal Department, which he thought was a good thing, it was no reflection on Mr. Michel or Mr. Hall, and he was in favor of outsourcing business, he perceived it as a conservative concept that they reduce the size of their workforce and outsource to the private sector to hopefully get a better rate and to be able to use the resources of the private sector as well, that he would like to spend a week, not only trying to figure out, with the Legal Department, if they could reduce the size of the contract, but then to possibly look for other resources to help finance the contract, that he wanted to go on record to say he was in favor of retaining outside counsel to assist them in the lawsuit.

Council Member Sekula-Gibbs stated that they had other lawsuits brought against City Council during the 3 years she had been in office and they had managed to settle those lawsuits without undue suffering to the City, without hiring outside counsel and she was informed that they could handle that very well with the capacity of their Legal Department and did not know why they would have to spend \$250,000 of General Fund money to hire this very capable law firm to represent the City in this account, she would rather vote on it today and vote no because she thought it was a bad idea to use outside counsel for this initiative, that the size of the contract was not even the whole issue, the issue was the in house capacity when they had very able and capable attorneys, that before it even got started she thought it was an unwise use of the taxpayers money to invest \$250,000 in an outside law firm. Council Members Galloway and Goldberg absent.

Council Member Khan stated that they had a lot of people contacting them and asking where was the justification in spending \$250,000 of the taxpayers money on defending a lawsuit especially when they had a very able and well funded City Legal Department, and he did not have an answer for all the inquires and that is why he tagged the item, that he believed they should handle it in house and remembered during the discussion of the referendum the City in house counsel gave his legal opinion and based on that they made the decision about Proposition 1 versus Proposition 2, so some amount of research must have been done at that time and that if available should be used to defend the lawsuit instead of hiring somebody right off the bat, that he wanted someone to explain it to him so that he in turn could explain it to some people who were calling and asking him those questions, and Mayor White stated that they would get him those answers. Council Members Galloway and Goldberg absent.

Council Member Quan stated that his questions were similar to everyone else's and did not know if Mr. Michel was prepared to speak on it now, and Mr. Michel stated that first of all he did not think it was an issue that could be settled, it was really an all or nothing proposition and what they were looking for with the item was expertise in various areas, they had to have a group that could provide both trial and appellate experience, government law experience, election experience and also public finance was part of that because they were dealing with revenue amendments, he thought that combination was difficult to find in any law firm, including within the City, for purposes of doing trial or appellate work so that was the primary consideration, then when they hired a law firm they were hiring a lawyer and they were looking at a specific person to address it and what they were looking at in this lawsuit was an issue of how statutes read and how opinions read that interpreted those statutes, he thought it was very important and they were looking for someone who had experience in not only understanding

that but effectively able to present it in court and that was the basis in which he decided that the City would be better served by going to outside counsel and this firm and lawyer in particular, that as to the discussion about how Proposition 1 and Proposition 2 varied the Legal Department was very adamant that one was exclusive of the other and that was based upon both extensive in house research and then to outside counsel, Vinson & Elkins, to look at the issue. Council Member Goldberg absent.

Mayor White stated that in reading the bond rating reports if they were not to prevail in the litigation it could result in substantial impact on the City's bond ratings which could cost the taxpayers a lot of money and they wanted to protect the taxpayers interest in that regard. Council Members Goldberg and Edwards absent.

Council Member Quan asked if they had a team listed as to who exactly at Vinson & Elkins would be involved in the case, and Mr. Michel stated that he would get that information for him if it was not in his agenda book and Council Member Quan stated that he would like to see who was involved. Council Members Goldberg and Edwards absent.

Council Member Holm stated that it was their responsibility to come up with the best representation they could find and asked Mr. Michel if he had told Council Member Sekula-Gibbs that they did have the people that were available to work on it, and Mr. Michel stated that they did have people who were knowledgeable and did have people who prepared the language for the elections but thought that in terms of a lawsuit the City was better served by going to outside counsel who had more expertise and could concentrate those resources. Council Member Goldberg absent.

Upon further questions by Council Members Sekula-Gibbs and Ellis, Mr. Michel stated that as to the Houston Police Officers Pension System suing the City there were multiple defendants, the City was sued along with the individual Council Members, Vinson & Elkins was retained and paid for its defense of the City and they offered to represent individual Council Members for free, and Council Member Sekula-Gibbs stated that she had the confidence to stay within the City Legal Department.

Mayor White stated that Item No. 19 had been tagged. Council Member Goldberg absent.

Council Member Edwards stated that she would release her tag on Item No. 18. Council Member Goldberg absent.

20. ORDINANCE approving and authorizing Legal Services Agreement between the City of Houston and **JACKSON, SJOBERG, MCCARTY & WILSON, L.L.P.** for Representation before the TCEQ and other Regulatory Agencies on water, wastewater and storm water issues - \$225,000.00 Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2005-0049 ADOPTED.
22. ORDINANCE approving and authorizing agreement for Automated People Mover Operations and Maintenance Services at George Bush Intercontinental Airport/Houston by and between the City of Houston, Texas and **BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC;** providing a maximum contract amount - \$5,219,419.00 - Enterprise Fund - **DISTRICT B – GALLOWAY** – was presented.

Council Member Green stated that he had information that the MWBE participation was low and he was not going to tag the item but there was a memo from Ms. Velma Laws of Affirmative Action that said that within two weeks they should get some sort of subcontracting plan from the contractor and he wanted to be perfectly clear and on record that within two weeks he wanted to see what that plan was.

Council Member Khan stated that ditto to what Council Member Green stated, that he had

some serious concerns about the contract also, that he would also like to see the progress in two weeks and was hopeful that the plan would show that the MWBE goals would be met by the time the contract was over.

A vote was called on Item No. 22. All voting aye. Nays none. ORDINANCE 2005-0050 ADOPTED.

25. ORDINANCE appropriating \$59,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction on Beltway 8 from Bissonnet St. to Beechnut St., GFS S-0521-R9-3 (SB9204-01); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. ORDINANCE 2005-0051 ADOPTED.
26. ORDINANCE appropriating \$332,162.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction on IH-610 South Loop from N. Braeswood Blvd to Kirby Drive, GFS S-0521-S3-3 (WA10852); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Goldberg.
27. ORDINANCE appropriating \$89,950.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction on Broadway Blvd Intersection at the IH-610 Loop, GFS S-0521-S4-3 (WA10853); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2005-0052 ADOPTED.
28. ORDINANCE appropriating \$177,045.26 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing Developer Participation Contract between the City of Houston and **RICO DEVELOPMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Almeda Meadows Subdivision, CIP S-0800-D5-03 and R-0800-D5-03 **DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Edwards.
29. ORDINANCE appropriating \$186,100.00 out of Water & Sewer System Consolidated Construction Fund and \$219,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **JACK C. CANNATA, dba CANNATA CONSTRUCTION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Pierce Junction Village Subdivision, CIP S-0800-F5-03 and R-0800-F5-03 - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Edwards.

NON CONSENT AGENDA - NUMBERS 56 through 58

MISCELLANEOUS

56. Set a date to RECEIVE nominations for Position 18 of **HOUSTON READ COMMISSION**, with a three-year term from the date of appointment – was presented.

Council Member Green moved to set January 19, 2005 to receive nominations for Position 18 of the Houston Read Commission, seconded by Council Member Quan. All voting aye.

Nays none. MOTION 2004-0036 ADOPTED.

57. RECEIVE nominations for Positions 17, 20 and 21 of **HOUSTON READ COMMISSION**, with three-year staggered terms from the date of appointment - was presented.

Council Member Garcia moved to delete Position 17 from Item No. 57, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0037 ADOPTED.

Council Member Sekula-Gibbs stated that she wanted to nominate Ms. Etta Hill for Position 20 and re-nominate Ms. Diana M. Valverde for Position 21 of the Houston Read Commission and she had passed out their resumes.

Council Member Sekula-Gibbs moved to close nominations for Positions 20 and 21 of the Houston Read Commission, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2005-0038 ADOPTED.

58. RECOMMENDATION from Director Finance & Administration for membership renewal in the United States Conference of Mayors - \$40,487.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0039 ADOPTED.

MATTERS HELD - NUMBERS 59 through 61

59. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Variable Rate Demand Multifamily Housing Revenue Bonds, Series 2005 (Fairlake Cove Apartments) and approving the Official Statement with respect to such bonds - **DISTRICT E - WISEMAN – (This was Item 22 on Agenda of January 5, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented.

Council Member Wiseman stated that she tagged the item last week because she had concerns that the proper notification and contact of those in the community had not been made and wanted to share that they had made contact with the proper school district and provided her with the appropriate information and in fact they received a letter of support from the school district, that the project was not for public housing but for tax credits, that the other concern that was voiced were the trees and the loss of trees out by the lake, that the question came up that why were they putting taxpayer money into cutting trees down, that taxpayer money would not be going into the project, that she had been able to obtain a commitment from the developer, in writing, that a buffer zone of trees would be maintained between the structures and the adjacent roadway and every tree that was cut down for the project would be replaced with a tree and they would put additional trees in as well, that she thought in the end they would gain as far as the tree canopy was concerned, and given that the community had shown its support she stood with them and supported the item.

Mayor White stated that he wanted to thank Council Member Wiseman for her work on the item.

A vote was called on Item No. 59. All voting aye. Nays none. RESOLUTION 2005-0002 ADOPTED.

60. ORDINANCE approving and authorizing contract between the City of Houston and **CLARENCE A. WEST**, Attorney at Law, for Advice and Counsel to the City of Houston relating to Cable Television Franchise Renewal, Future Community Needs Assessment and Performance Review of Time Warner; providing a maximum contract amount - \$160,000.00 Maximum contract amount General Fund – **(This was Item 29 on Agenda of January 5, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. ORDINANCE 2005-0053 ADOPTED.

61. ORDINANCE deappropriating \$272,348.82 from the General Improvement Consolidated Construction Fund appropriated under Ordinance No. 97-1032 and \$703,073.28 from the Fire Consolidated Construction Fund appropriated under Ordinance Nos. 96-20, 99-230, 00-131, 01-279, 02-53, and 03-48 for the Renovation/Reconstruction of various Fire Department Facilities – **(This was Item 35 on Agenda of January 5, 2005, TAGGED BY COUNCIL MEMBERS GARCIA, WISEMAN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. ORDINANCE 2005-0054 ADOPTED.
18. ORDINANCE approving and authorizing contract between the City of Houston and **RIVER OAKS HEALTH ASSOCIATION** providing up to \$376,910.00 in Housing Opportunities For Persons With AIDS Funds, which sum includes a limitation of additional funding in the amount of \$188,455.00, for the Administration of a Housing Assistance and Supportive Services Program in connection with a Community Residence - **DISTRICT D – EDWARDS** – was again before Council. All voting aye. Nays none. ORDINANCE 2005-0055 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Galloway stated that she wanted to congratulate all of the legislators who took their oath yesterday in Austin, it was a very nice ceremony. Council Member Wiseman absent.

Council Member Galloway stated that she heard the Mayor this morning on KCOH Radio Station, that Mayor White stated he was going to change the towing ordinance and she hoped that they would be having something come before Council, that they used to have Metro, MAP, come by and assist people on the side of the shoulder who were not in harms way, that they talked about if people pulled off on the shoulder they were subject to get killed but she did not understand that if they felt so strong about it they should not put their officers in danger either, they should not be sitting on the shoulder of the freeway and should not be pulling people off on the shoulder of the freeway; that she could not wait, as the Mayor stated, that they would provide the tow as a courtesy to get them out of harms way and hoped they would work on the ordinance to make sure they would come back with something because yesterday when she was speaking with the Legislators they felt very strong about the ordinance that the City Council passed and they were strongly against it and had about three or four bills coming up to eliminate what Houston was doing or trying to do with the ordinance. Council Members Holm and Quan absent.

Council Member Galloway stated that she wanted to compliment Solid Waste and their staff, that Mr. Buck Buchanan was one of Marvin Zindler's Angel, that he was shown on the show as an angel, that Solid Waste responded promptly to get rid of trash. Council Members Holm, Ellis and Quan absent.

Council Member Galloway stated that she understood that at yesterday's public session some of her constituents from the Acres Homes Community and were talking about the storefront being closed and she was going to reassure them that it was not going to be closed that it was just that some of the hours were going to be cutback, and Mayor White stated that he was checking on it. Council Members Holm, Ellis and Quan absent.

Council Member Galloway stated that she had quite a few calls on the fact that the Mayor's Assistance Office in the Kashmere Multi Purpose Center had been closed and those people had to seek assistance in the Fifth Ward and they were very upset, the Kashmere Garden Community Civic Club as well as the Super Neighborhood, they did not know why the person who serviced that area was no longer there and they had no one in that community, that it was the nearest area in the northeast except for Kingwood, that she was unaware about that office because no notification was sent to her that they were going to shut that office down and she wished the Mayor would look into that as well. Council Members Holm, Garcia, Ellis and Quan absent.

Council Member Green stated that the LARA Board (Land Assemblage Reinvestment Authority) was having two open houses, January 22, 2005 and January 29, 2005, the Third Ward Urban Redevelopment Plan Open House would take place at the Judson Robinson Jr. Multi Service Center, 2020 Hermann Drive on January 22, 2005 from 10:00 a.m. to 1:00 p.m. and the Fifth Ward Urban Redevelopment Plan Open House would take place on January 29, 2005 at the Fifth Ward Multi Service Center at 4014 Market Street, that the open houses would be held to discuss the final results of previous planning workshops. Council Members Holm, Garcia and Quan absent.

Council Member Green stated that on Saturday, January 15, 2005 there would be a jazz concert at the Ensemble Theater to benefit the Friends of Trans Africa Forum MLK weekend, that additionally there would be a reception honoring Mr. Danny Glover on Sunday, January 16, from 3:00 p.m. to 6:00 p.m. at the Ensemble Theater as well and on Monday, January 17, 2005, there would be a symposium at Texas Southern University at the School of Education, that previously it had been said it would be at the Law School, that it would be from 10:00 a.m. to 3:00 p.m. and additionally on Monday there would be two Martin Luther King Day parades. Council Members Garcia and Quan absent.

Council Member Green stated that he too wanted to wish their Legislative delegation good luck, that he was in Austin yesterday representing the City, that what he got from the Legislators he talked with was that they wanted to work with them on the towing issue. Council Member Garcia absent.

Council Member Edwards stated that she also wanted to speak to the Legislative opening, she was hopeful they would get some legislation out of them that would help them in their efforts regarding land banking and the land trust and having a more effective LARA Program; and also that they get their health issues straightened up at the State level so that they could accommodate their citizens on a local level. Council Member Garcia absent.

Council Member Edwards stated that she was passing out some information, that they had found out that the only bust of Martin Luther King in a public park, in the City of Houston and she believed in Harris County, was in Bricker Park, off of Cullen and Bricker, that they were going to have a brief ceremony and they would love for the Council Members come out and express their feelings regarding Martin Luther King, that it was on Friday evening, January 14, 2005 at 5:30 p.m. at Bricker Park, that they were also looking to get a full statue of Martin Luther King installed in the International Peace Makers Circle at Hermann Park. Council Members Goldberg and Garcia absent.

Council Member Edwards stated that the District D Office would like to salute Ms. Ethel Cobbs who would celebrate 99 years old on Thursday, January 13, 2005, that Ms. Cobbs was a resident of Fourth Ward and had lived there most of her adult life and had been the backbone of her family and neighbors. Council Members Goldberg and Garcia absent.

Council Member Edwards stated that they appreciated the support of the Council Members who helped Central City Subdivision with their issues regarding the Texas Medical Center, that they were having a press conference today at 3:30 p.m. at 2905 Lockett Street regarding the Medical Center parking lot, they would appreciate any Council Members who would like to come. Council Members Goldberg and Garcia absent.

Council Member Edwards stated that she wanted to congratulate the Class of Jack Yates 1951, they were having a lot of input and support to make sure that Jack Yates stayed open and viable in the community. Council Members Goldberg and Garcia absent.

Council Member Edwards stated that they had a revival of an old civic club in the Third Ward Area, the MacGregor Civic Club had been reactivated, that it was one of the old historic communities and they were working strong and hard, they were looking to work with the City and the Super Neighborhoods in their community. Council Members Goldberg and Garcia absent.

Council Member Edwards stated that the Almeda Plaza Civic Club would hold their first

community cleanup for 2005 and volunteers were encouraged to come out and support their efforts, that it would be on January 22, 2005 and they could contact Ms. Mary Roberts or Precinct 237 Civic Club. Council Members Goldberg, Garcia and Berry absent.

Council Member Edwards stated that the Parks and Recreation Department wanted to announce the appearance of Houston Pitcher Brandon Backey and Astro Bench Coach Cecil Cooper and Astro Broadcaster Bill Brown who would be at Sunnyside Park at 3502 Bellfort on Saturday, January 15, 2005 from 11: a.m. to 12:00 p.m. for the Grand Slam of Youth Baseball, that it was a partnership between the Parks Department and the Astros. Council Members Goldberg, Garcia, Green and Berry absent.

Council Member Edwards stated that she had passed out a copy of an old memo that they had sent out September 15, 2004 and there seemed to be some misunderstanding of her position on the independent investigator of the HPD Crime Lab selection, that she was disappointed that they decided to go to an RFP situation as opposed to professional services, that her belief was that the grand master could not be the sole selection of Chief Hurtt and District Attorney Rosenthal and thought the memo spoke for itself, that she thought they needed to move forward with it, that they had the issue of the victims families of those crimes, and if they had the wrong person in jail then they still had someone going around, were they going to reopen those cases and be aggressively pursued or were they just cold cases, that she would like to know if there was any way that Mr. Michel or Chief Hurtt could get them what cases they were looking at and what was the status of those crimes where people had been exonerated or released and where did they stand with that, and Mr. Michel stated that he would get together with Chief Hurtt and get her that information, that she wanted to thank Chief Montalvo and the HPD staff who took her on a tour of the crime lab on Monday, that she wanted to thank them for their support. Council Members Goldberg, Garcia, Green and Berry absent.

Council Member Lawrence stated that she wanted to mention a few constituents and businesses who had really been outstanding in District A, they had a fire at the Ivy Club Apartments, there was a life lost in the fire with the mother trying to go back and look for her child, that it was very moving to go by and see the results of the fire and the burnt Christmas trees and gifts, they had a huge outcry in the community with an emergency task force headed by Ira Russell, her office and Tim Joseph, another constituent in the District, the Red Cross was on the scene and provided places for people to stay, that Wal-Mart stepped up with \$150 gift cards for each family, Krogers furnished Christmas trees and decorations, Elf's and More furnished bicycles for all the kids, Saint Catherine of Sienna Catholic Church participated with \$2,300 to help buy mattresses and Matress Mac came in with the mattresses and got beds in place for the families, Chapelwood United Methodist Church gave gift cards for all the families, \$2,700 worth for the 8 families, the Houston Apartment Association donated \$5,000 and it was just a huge outcry and that was what Christmas was all about, giving and helping those people in need. Council Members Goldberg, Garcia, Green, Quan and Berry absent.

Council Member Lawrence stated that right before New Year's they called a press conference and they had tremendous support from all the newspapers and media, they called it Operation Anti Stupid and basically it was trying to keep people from firing guns in the air, all the networks picked it up as "what goes up must come down" and they did not like their name too much, that she wanted to thank the Long Point Storefront and all of the officers who showed up, that Crime Stoppers showed up and her apartment task force came through with memos in English and Spanish explaining how when bullets go up they come down and go through roofs and skylights and people could be injured, they had someone killed two years ago, that all of the areas that they targeted with their literature there was not one gunshot, the neighborhoods were very excited about it and it may be something they might want to consider next year before New Year's, really getting out and talking about it to the neighborhoods. Council Members Galloway, Garcia, Green, Ellis, Quan and Berry absent.

Council Member Lawrence stated that she wanted to say hello to Ms. Minnie Hopper, who was a big listener of the City Council and the Municipal Channel, her health was not very good right now so their prayers went out to her. Council Members Galloway, Garcia, Green, Ellis, Quan and Berry absent.

Council Member Holm stated that last week it was called to her attention about the horse drawn carriages because she almost wiped one out, that she did not think they had any kind of process for permitting horse drawn carriages and they parked everywhere, this particular one was parked on Bagby and it was after night and all there was only a little reflector light and she did not see it, another night she was driving down Bagby and there was one that pulled out and had about 9 people in it and when she came back around it had gone less than a block and was blocking traffic a little bit, that she was not opposed to them but thought they should have some kind of policy and procedure and look at the permitting of it and the safety of it and have some kind of lights or identification, that she would like to request that for the well being of all of their citizens that they really look into how they allowed those horse drawn carriages to exist. Council Members Galloway, Garcia, Green, Ellis and Quan absent.

Council Member Holm stated that last week she talked about Sam Houston Park and the long closure because of the event and she had to thank Mayor White because within 10 minutes he sent an email and that park was cleaned up by midnight that night, now they were in the restoration period and still another week later they were resodding and redoing the park and it was still closed, it still had no access to the people, that last week she talked about looking at a Special Events Ordinance so that they could look comprehensively at their events and where and how they were placed and how they used the parks, that it was her understanding that Mayor White had asked her, through the Quality of Life Committee, to get all of the parties together and really start looking at the issue which she was willing and eager to do, but wanted that confirmation because she understood that maybe some other people were putting an ordinance together, that she thought that Special Events was rewriting theirs. Council Members Galloway, Garcia, Green, Ellis and Quan absent.

Mayor White stated that he would look to Council Member Holm and her committee as the principal advice to the administration about what they should do and would invite comments by Special Events, but neither the Parks Department, C&E and Special Events owned any parks, that the public owned the parks. Council Members Galloway, Garcia, Green, Ellis and Quan absent.

Council Member Holm stated that she was told that Mayor White had approved that the Houston International Festival would come back to Sam Houston Park for a period of at least a year, that there was such vast impacts any time they utilized the park, that she was fine with their finding a home for the festival this year but thought they had some serious issues to address for it to be an ongoing process of closing the park and utilizing it. Council Members Galloway, Garcia, Green and Ellis absent.

Mayor White stated that approximately two years ago a diverse group of people who loved the City were trying to figure out what they could do better and asked what were things that other cities were doing that they thought Houston was not as up on, what was happening in urban America that they could learn from and model from and what was said was that the urban festivals and farmers markets were things that were the cheapest and most cost effective things that people could do to bring a City together and bring people together in the community, that he wanted to figure out how to manage it and bring people together in outdoor venues. Council Members Galloway, Garcia, Green and Ellis absent.

Council Member Alvarado stated that she wanted to reiterate the comments made by Council Member Edwards, that here they were two and a half years later still asking follow up questions about the lab, that she hoped it would continue to be a priority with the department and administration. Council Members Galloway, Garcia, Green and Ellis absent.

Council Member Alvarado stated last week there was an editorial that she authored replying to Men's Fitness Magazine, basically criticizing their criteria and one category she suggested that they had was leadership because she thought they did have great leadership in the City, people who were in fitness and some of the great things they were doing, that the Men's Fitness Magazine had an

editorial in today's newspaper responding to her article and they were creating that category and hopefully they would create other categories that did not just look at the Yellow Pages Phonebook but maybe actually come down and step foot in their City. Council Members Galloway, Garcia, Green and Ellis absent.

Council Member Alvarado stated that she also wanted to congratulate the Legislators, Mrs. Melissa Noriega was one of the freshmen representing her husband and wanted to wish her well, that her husband was serving the Country in Afghanistan. Council Members Galloway, Garcia, Green and Ellis absent.

Council Member Sekula-Gibbs stated that there was an event at the University of Houston Wellness Center on Sunday, January 9, 2005, spearheaded by Congresswoman Sheila Jackson Lee and was to collect both funds and medical supplies for the victims of the South Asian Tsunami, that the Congresswoman called together individuals to bring medical supplies and other supplies and they collected relief items and were able to make a small dent in the relief effort, that they also offered prayers and consolation to the victims, that Mayor White was present and also Congressmen Brady and Poe and many of the delegates and representatives from the affected countries, including the Ambassador from Indonesia, that their prayers and thoughts went out to the many families of the victims. Council Members Galloway, Garcia, Green and Ellis absent.

Council Member Sekula-Gibbs stated they many of the Council Members attended the Cirque Varekai which was part of the Cirque du Soleil, that it had representatives from over 13 countries. Council Members Galloway, Garcia, Green and Ellis absent.

Council Member Khan stated that they were going to have a press conference on Friday at Ocean Palace announcing the formation of the international Business District in Southwest Houston, that it was something that was a long time coming, that the announcement would be made formally on Friday, January 14, 2005, at 10:00 a.m. at the Ocean Palace Restaurant, 11215 Bellaire Boulevard and he would like to invite all of the Council Members. Council Members Galloway, Wiseman, Garcia, Green and Ellis absent.

Council Member Khan stated that a lot of good citizens, civic leaders and religious leaders in the City were working on fundraising for the Tsunami victims, especially Matt and Linda McInvale and Pastor James Dixon who were all part of the team that was providing the leadership and making sure that Houston's contribution was very well represented in the overall Tsunami Relief Fund. Council Members Galloway, Garcia, Green and Ellis absent.

Council Member Khan stated that he visited Qatar and Pakistan for the last two and half weeks and he was grateful to talk about Houston and America and wherever he went he met with City leaders of various cities and municipal leaders and they were all extremely impressed with the Houston story, and when he told them what kind of City Council they had and what kind of mix they had it was amazing how people were impressed knowing about Houston. Council Members Galloway, Edwards, Garcia, Green and Ellis absent.

Council Member Khan stated that he appreciated Congresswoman Sheila Jackson Lee and Congressmen Green and Poe and all other City leaders and Congressional leaders, including Mayor White and Members of City Council who were present last Sunday at the University of Houston doing things for the Tsunami victims. Council Members Galloway, Edwards, Garcia, Green and Ellis absent.

Council Member Quan stated that he wanted to thank various members of the Neighborhood Housing and Redevelopment Committee who took the special effort to go to a meeting last night at the Westside Multi Service Center, that the Super Neighborhood Council requested that they have a meeting that was convenient for them to attend as opposed to having it in the daytime, that Council Members Sekula-Gibbs, Green and Khan were present and thought that the community really appreciated their interest in showing up, that a couple of things came out in the meeting, that it

seemed that the City of Houston was building a 480 foot cell tower at the HEC center and many of the neighbors were concerned about it, that under the Cell Tower Ordinance any cell tower must be at least one and a half times the distance from a person's home and this tower was only within 100 feet of many homes, that they would not be able to get insurance or sell their property easily if they build the tower, that they wanted him to bring that to the Mayor's attention, that also they would like to see a meeting with the Mayor of the Super Neighborhood Council to discuss some of their issues. Council Members Lawrence, Galloway, Edwards, Garcia, Alvarado and Green absent.

Council Member Quan stated that this weekend they would have the opening of the Federal Inspection Station at Houston Intercontinental Airport, it was a major undertaking and marked the culmination of about four or five years of construction, there would be an open house on Sunday. Council Members Lawrence, Galloway, Edwards, Alvarado and Green absent.

Council Member Quan stated that this weekend, in conjunction with all of the Martin Luther King activities their office had been working on the First Annual Miss I Have A Dream Scholarship Pageant, it would be at the Alley Theater on Sunday at 5:00 p.m., that the show Ambush Makeover would be doing some work during the pageant. Council Members Lawrence, Galloway, Edwards, Alvarado and Green absent.

Council Member Quan stated that they would also be having another Neighborhood Housing and Redevelopment Committee meeting next Tuesday in the Council Chamber and on the agenda would be a discussion of the Texas Medical Center Garage, he had asked the Legal Department to have representatives who specialized in both deed restrictions as well as variance and talk about if there was some way to work it out, the new director would also be present to talk about the Home Repair Program and how they stood on reinstating their home funds. Council Members Lawrence, Galloway, Edwards, Alvarado and Green absent.

Council Member Quan stated they lost a member of the community this week, Mr. Dwight Nishimura, he was a Harvard graduate and a founding director of the Asian Society Texas Center and gave a lot to the community and served on many boards. Council Members Lawrence, Galloway, Edwards, Alvarado, Ellis and Green absent.

Council Member Quan stated that he too wanted to congratulate the new members of the Legislator as they assumed positions of leadership. Council Members Lawrence, Galloway, Edwards, Alvarado, Ellis and Green absent.

Council Member Quan stated that he wanted to follow up with Mayor White regarding the cell tower and the Super Neighborhood Summit. Council Members Lawrence, Galloway, Edwards, Alvarado, Ellis and Green absent.

Mayor White stated that his blood had been boiling since he had the opportunity to read some very recent findings by the Texas Commission on Environmental Quality that in the air monitoring the amount of a very strong known Carcinogen Butadiene, 1-3, had been in very high levels in the Milby Park area, that it used to be high, they brought it down and it was back up, that the report even said that it was basically coming from one in three plants, that he did not know which plant it was coming from but they were Goodyear Tire and Rubber, Texas Petro Chemicals and one Mobil Facility that were in the air trajectory heading right into Milby Park, that there was something getting into the air that was bad that they say increased the risk of cancer by 40% at those levels, that he wondered if they should have a Council hearing where they had some experts from the TCEQ and people from the plants, that public scrutiny was good for that kind of stuff, should they have a special ad hoc committee about people putting poison in the air, did they have some thought on it, and Council Member Quan stated that he thought they should have a special committee and knew that the Environmental Defense Fund had been working very diligently in that area and there was a lot of controversy when Cesar Chavez High School was even built on Old Galveston Road because of its proximity to that major petrochemical complex, that he would certainly commend an effort to have a public hearing where they got input from all the stake holders and to show that the City of Houston

was taking strong action to come to a conclusion as to what was the problem, where were the carcinogens coming from, that he would endorse it either through his committee or the Quality of Life Committee, that he thought they needed to act on it right away. Council Members Lawrence, Galloway, Edwards, Ellis and Green absent.

Council Member Alvarado stated that she was glad to hear that this City Council was considering a special meeting or hearing or something in that nature, that they had known that people in that area were more susceptible to diseases like cancer and other illnesses and thought it was some valid information that they could do something with now that the Legislature was in session and hopefully it was something that they could put on their priority list. Council Members Lawrence, Galloway, Edwards, Ellis and Green absent.

Council Member Quan stated that BARK and CARE would be at their next meeting, there had been some concern about how animals were being handled by the animal control. Council Members Lawrence, Galloway, Edwards, Ellis and Green absent.

Council Member Sekula-Gibbs asked if Mayor White could provide them with a copy of the report that he was citing, and Mayor White stated that Ms. Stein would do so. Council Members Lawrence, Galloway, Edwards, Ellis and Green absent.

Council Member Garcia stated that he wanted to recognize Mr. Paul Mesa of the Second Ward, that yesterday was his birthday and thought he was born in 1921 and wanted to wish him a splendid birthday and all the best of health and thank him for all of the work he was doing in Second Ward. Council Members Lawrence, Galloway, Edwards, Ellis and Green absent.

Council Member Garcia stated that he wanted to thank State Representative Jessica Farrar for her proposal of some cantina legislation, that he thought it was going to go far in helping many neighborhoods not just in his or Council Member Alvarado's district but in other parts of the City, that he thought it was going to bring much relief and support for their neighborhoods and families that had been dealing and battling with the issue. Council Members Lawrence, Galloway, Edwards, Ellis and Green absent.

Council Member Garcia stated that he wanted to wish all the best for State Representative Melissa Noriega in her upcoming session, that he wanted to continue to recognize Mr. Rick Noriega and let him know that their prayers continue to be with him for a safe return. Council Members Lawrence, Galloway, Edwards, Ellis and Green absent.

Council Member Berry stated that last week they received a call from a constituent that after a big work project had been completed there were two tall wooden signs anchored with sand bags that said right lane closed merge left which was no longer applicable and was causing some problems, they received the call about 1:15 p.m. and they reported it to Public Works by 1:30 p.m. and by 3:30 p.m. they had a call from the citizen saying that those signs had been removed so he would like to thank Mr. Hugo Malanga, Ms. Jeanie Holmes, Ms. Esther Rocha and Mr. Rick Grochoske, that it was a team of people who worked together and he appreciated their work, they were extremely responsive and customer driven, that he also wanted to thank the constituent, Mr. Ray Hankhammer who took the time not only to report the issue but to follow through on it. Council Members Lawrence, Galloway, Edwards, Ellis, Quan and Green absent.

Council Member Berry stated that as they knew on February 24, 2005 the Rodeo would start and they had an exciting new line up and on February 26, 2005 they would have the Rodeo Parade, that he was happy to report that there were a lot of improvements this year in the Rodeo, the parking scheme was much better and more consumer friendly, that they had increased their scholarship commitment by 1 million dollars, from \$10,000 to \$12,000, that was 300 scholars in the City, and he would ask if they could devote enough attention to the Rodeo as they did the Superbowl so it was a great event for the public. Council Members Lawrence, Galloway, Edwards, Ellis, Quan and Green absent.

Council Member Berry stated he wanted to thank the Mayor's office for all the work they were doing with regard to the Stellar Awards this weekend, that on Sunday from 12:00 p.m. to 2:00 p.m. there would be a brunch, which Mr. Carl Davis from his office had put it all together, honoring Dr. Bobby Jones and Mr. Mathew Knowls which would be devoted specifically to local people who may or may not go to the big awards, it was an opportunity to meet a lot of the gospel stars. Council Members Lawrence, Galloway, Edwards, Ellis, Quan and Green absent.

Council Member Berry stated that on Sunday night Mr. Terrance Fontaine was given a very prestigious award by Alpha Phi Alpha Fraternity, the Presidential Service and Leadership Award. Council Members Lawrence, Galloway, Edwards, Ellis, Quan and Green absent.

Council Member Goldberg stated that on Saturday the City of Houston opened up the newest library and he wanted to thank Mayor White for coming out to the ribbon cutting ceremony and wanted to thank Council Member Sekula-Gibbs who was present, that he wanted to invite all of the Council Members to come out and look at the library because it was something special and one of a kind, that it was all possible because the community itself raised close to \$1 million and bought the land and donated it to the City, one man actually left his house in his will for the money to go to the library and they raised money from all kinds of foundations, all the extra money was available to do things, that they did not ask what the City could do for them they asked what they could do for the City. Council Members Lawrence, Galloway, Edwards, Ellis, Quan and Green absent.

Council Member Goldberg stated that they had the marathon coming up this weekend, it was about 1,500 plus runners and was actually the largest spectator audience attended event in the City of Houston and raised money for a lot of charities, that the main marathon would start at 7:00 a.m. and would start and end at the George R. Brown Convention Center, that he hoped people would go out for that. Council Members Lawrence, Galloway, Edwards, Ellis, Quan and Green absent.

Council Member Goldberg stated that he had a research question for someone on the Mayor's staff or the administration, that in the Houston Chronicle this week they had been talking about the agriculture tax exemptions that a lot of people got and he wondered how it affected their tax collection, if they could get the figures as to how much they lose to that exemption he would like to take a look at that, and Mayor White asked Mr. Soto to make a note of that, that F&A had some information concerning that and asked that they copy it to the Chair of the Fiscal Affairs Committee and to make it the agriculture and timber exemption because they had a lot of property up around the Lake Houston area. Council Members Lawrence, Galloway, Garcia, Edwards, Ellis, Quan and Green absent.

Council Member Wiseman stated that to add to that agriculture exemption it did include commercial nurseries, which they did have in the wooded areas. Council Members Lawrence, Galloway, Garcia, Edwards, Ellis, Quan and Green absent.

Council Member Wiseman stated that she wanted to request information with regard to the tow ordinance, she would like to receive in writing from whichever party was responsible for responding, whether it be HPD or the Mayor's Office of Mobility, a response to the question that she had asked but not specifically for an official response, will HPD be instructed to no longer sit on the shoulders of the freeways for the purpose of monitoring the speed of the freeway traffic, and if they would not be requested to cease that activity why not, if they were being told that any vehicle sitting on the shoulder posed a safety hazard then she would like to know why HPD was allowed to continue to keep their vehicles there, that on her way downtown this morning she drove past an HPD patrol unit that was sitting on the inside shoulder and the officer was standing beside his vehicle pointing a radar gun at oncoming traffic, they had a representative from an insurance company at public session yesterday saying when asked most of their clients that had been engaged in wrecks as to the cause of the wreck they said traffic slowed down or came to a stop, that nothing gets people to slam on their brakes faster than a police officer standing beside his patrol unit and aiming a radar gun at them, that to her was a hazard and they could not have double standards in her opinion, if they were going to

implement a policy regardless of whether or not it had the support of the people of the City, any policy that was implemented should be implemented in a fair and even manner, that she wanted a formal answer to the question with respect to the HPD units. Council Members Lawrence, Galloway, Garcia, Edwards, Ellis, Quan and Green absent.

There being no further business before Council, the City Council adjourned at 11:02 a.m. Council Members Lawrence, Galloway, Garcia, Edwards, Ellis, Quan and Green absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary