

City Council Chamber, City Hall, Tuesday, February 1, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 1, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office and Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Assistant Agenda Director present. Council Member Addie Wiseman absent due to being ill. Council Member Mark Ellis out of the city on city business.

At 1:55 p.m. Mayor Pro Tem Alvarado stated that Council would begin with presentations and called on Council Member Galloway. Council Member Galloway invited Dr. Thomas Freeman to the podium and presented him a Proclamation saluting and commending his outstanding work with the nationally renowned Texas Southern University Debate Team, extended best wishes for many more years of continued success and proclaimed February 1, 2005 as "Dr. Thomas Freeman Day" in Houston, Texas; and members of the debate team recited a tribute to Dr. Thomas. Council Members Goldberg, Holm, Sekula-Gibbs and Berry absent.

Council Members commended Dr. Freeman for his influence and work and commended those on the debate team for their oratory skills. Council Members Goldberg, Holm, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that for Black History Month her staff was identifying persons who was living history and each week they would salute a person from the Houston community and invited Mr. Talmadge Sharp, Sr., to the podium and presented him a Proclamation for being a living legend, congratulated and commended him, wished him continued success and proclaimed February 1, 2005 as "Talmadge Sharp, Sr., Day" in Houston, Texas. Council Members Goldberg, Holm and Sekula-Gibbs absent.

Council Member Edwards thanked The Liberty Cab Company for picking up the honorees and taking them back home. Council Members Goldberg, Holm and Sekula-Gibbs absent.

Mayor White invited the Girl Scouts to the podium and stated that Ms. Susan Mullins was founder of "Gifts with Heart" and the Girl Scouts from troop 8015 worked with local Lowes Home Improvement stores making gifts and December 19th presented gifts to children; and presented a Proclamation commending Ms. Mullins, the Girl Scouts of San Jacinto Council, Children At Risk, Fox 26, Global Services and Minute Maid for their hard work in making "Gifts with Heart" possible and proclaimed February 1, 2005 as "Gifts with Heart Day" in Houston, Texas. Council Members Goldberg, Holm and Sekula-Gibbs absent. Council Members Goldberg, Holm and Sekula-Gibbs absent.

At 2:26 p.m. Mayor White called the meeting to order and called on Council Member Green who invited Dr. Thomas Freeman to lead in prayer and Council Member Green led all in the pledge. Council Members Goldberg and Holm absent.

At 2:28 p.m. the City Secretary called the roll. Council Member Wiseman absent due to being ill. Council Member Ellis out of the city on city business. Council Member Goldberg absent.

Council Members Garcia and Holm moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Ellis out of the city on city business. Council Member Goldberg absent. MOTION ADOPTED.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Mr. Ovid Duncantell, Ms. Sandra Massie-Hines, Mr. Reynaud Thibodeaux and Mr. George Reitter out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Ellis out of the city on city business. Council Members Goldberg and Holm absent. MOTION 2005-0066 ADOPTED

Mr. Steve Lozano, 402 Avondale, Houston, Texas 77006 (713-524-0271) appeared and stated that he and his family ran a business in Houston for 30 years; that the SafeClear Program was an excellent idea from a business point of view but was started wrong; that people were not notified properly, etc., one thing that should have been put out was that tows would be free and then the lady killed last night would have welcomed the wrecker instead of freaking out and running across the freeway and he expressed condolences to her family for speaking of her; that his brother towed a car and they were fined \$750.00 when they only got \$35.00 for the tow and if they had been aware of the program they would not have towed them; and he thought the monies to be made from exclusive towing of accidents should cover the moving of vehicles free. Council Members Goldberg and Holm absent.

Council Member Sekula-Gibbs stated the program started was not exactly what they now had; that also more details had come out since the tragic death last night and it was a 77 year old man, but it was unclear as to whether he was trying to stop the tow truck or not; that she called for an investigation to determine if there was any relation with the SafeClear program; that she had submitted a motion to rescind the program and she felt they had to recognize citizens were alarmed and the program needed to be stopped, people were desperate not to lose their cars and hopefully the program would be stopped tomorrow. Mr. Lozano stated that public service messages should let the public know and they should be able to call 311 and say where they were when a wrecker was needed. Council Members Goldberg, Edwards, Holm and Green absent.

Mayor White stated that the idea of PSA's were excellent and he appreciated it. Council Members Goldberg, Edwards, Holm and Green absent.

Mr. Ruben Lozano, 402 Avondale, Houston, Texas 77006 (713-524-0271) appeared and stated that he had been towing vehicles over 24 years and the SafeClear program was a good program but not structured for a low income individual; that he towed people and let them pay later and MAP had a good program, maybe the city could work with them; that last night there was a tragedy but people wanted to save what was theirs; that he knew someone who had to write a hot check to save their car, once it went to the lot there was problems to face, you had to be the owner, you had to have exact cash, etc. Council Members Goldberg, Edwards, Holm and Green absent.

Council Member Garcia stated that for years he had seen him helping people out and he knew \$75.00 for some people meant lights, gas, medicine; and they needed to put responsible programs in place. Council Members Goldberg, Edwards, Holm and Green absent.

Council Member Sekula-Gibbs stated that she had asked the whole program be stopped until it could be reworked and discussed the Mayor's proposal; and Mayor White stated that the proposal tomorrow had the moving lane of traffic being charged the same as under the ordinance for some time and less being charged on the consent and either shoulder would be free; and Council Member Sekula-Gibbs stated there was so much confusion at this point she would like an amnesty program to give people their cars back; and upon questions, Mr. Lazano stated that with the MAP program the driver came and checked to see if it was stolen and for insurance and then to see what was needed and if a wrecker was needed he called for it and made sure they were not overcharged; that they were assisted by a Sheriff's deputy and he highly recommended them. Council Members Goldberg, Holm, Alvarado and Green absent.

Mayor White stated that MAP worked well, but there were nine vehicles for the whole

area, if a MAP vehicle showed up they were not towed under the SafeClear program; and upon questions, Mr. Lazano stated that he thought MAP did need more vehicles; and Mayor White stated that they were working to do that promptly. Council Members Goldberg and Holm absent.

Mr. John Juanopulos, 2207 Eastex Freeway, Houston, Texas 77026 (713-227-5207) appeared and stated that he agreed with the SafeClear program because of citizens safety, but disagreed with the way it was handled; that people should not be forced to be moved, sometimes wrecker drivers helped them change tires at no charge and his business had dropped 90% since the program started; and his opinion was the man killed last night would not have been if the program was in place; that freeways were built with state taxpayer's money and everyone had the right to work them and he felt things should be left the way they were before. Council Members Goldberg and Holm absent.

Ms. Suzanne Poole, P. O. Box 1035, Missouri, Texas 77489 (281-438-5427) appeared and stated that Mayor White said the program was for citizens not the wrecker industry, but at the meeting yesterday his primary concern was breaking the contract with the towing providers; that the value of a public servant was hearing and responding to those he served and "Old City Hall" needed to remember they were being viewed as arrogant bureaucrats with no feelings for those they represented; that they already had a viable and safe solution in the Harris County MAP program and no one feared it or worried and there was an abundance of wrecker drivers servicing freeways and sometimes helping free, but his program stopped that; and again they were asking that SafeClear be ended. Council Members Goldberg and Holm absent.

Upon questions by Council Member Khan, Ms. Poole stated that response time would depend on whether it was rush hour though the MAP vehicles did need to be increased; and Council Member Khan stated that regarding the tragedy last night all felt it could have been avoided and his heart went out to the gentleman's family whose life was lost, but if he was stuck on a freeway, no matter what, he would not cross those lanes and he would ask that no one try to cross those lanes and would ask the Mayor on whatever happens tomorrow to try and better inform the people; and Mayor White stated that he agreed with him. Council Members Goldberg and Holm absent.

Council Member Sekula-Gibbs stated that the MAP program was not addressed in full detail as a choice in lieu of SafeClear and she brought it up to Chairman Berry whether MAP was considered and he said it was not considered an option, but now in comparing programs they could see citizens would rather see a van for motor assistance come up than they would a tow truck. Council Members Goldberg, Holm and Garcia absent.

Upon questions by Council Member Edwards, Mayor White stated that the MAP program's funding was provided by multiple services and with approximately \$3.6 million over a two year period the largest amount funded was from METRO with nine units, it was about \$200,000.00 a year from auto dealers and some contributions from TEXDOT and the county; that he wanted to expand MAP funding and under the current situation if a MAP vehicle was present a SafeClear vehicle would not tow, but there were not a number of adequate vehicles under MAP; and Council Member Edwards stated that someone paid for MAP, it was not free and she wanted to know who paid; and Mayor White stated it was the taxpayers. Council Members Goldberg, Holm and Garcia absent.

Upon further questions by Council Member Edwards, Ms. Poole stated that it was an excellent idea for money to come off vehicle registration fees to a dedicated fund for safe towing whether it was MAP or not, but on her question about MAP funding the actual vehicles were provided by the Houston Automobile Dealers Association and she did not know what their feeling would be if they were approached for more, however, the program was only in effect from 6:00 a.m. to 10:00 p.m. and did not service on holidays; and Council Member Edwards stated that she felt any program in existence should be looked at. Council Members Goldberg,

Khan, Holm and Garcia absent.

Council Member Green stated that on the tragic incident last night he felt people would be using his death on both sides and that was the biggest tragedy of all, for the sake of it he could not understand whether SafeClear was in effect or not how it would have changed his death; and upon questions, Ms. Poole stated that he had made it across the freeway and the feeder and got gas and was back to the edge of the freeway when he saw the wrecker and he panicked; and Council Member Green stated that the bigger message was do not cross a freeway no matter what and if they were going to argue for merits of the program that man needed to be left out of it. Council Members Lawrence, Goldberg, Holm and Garcia absent.

Council Member Berry stated that he thought Council Member Green's comments were well taken; that he admired Ms. Poole had never backed down in her opposition to this program from the day it was first discussed which was almost a year now, but in fairness she had opposed it on just about every grounds, the cost to tow drivers, minority operators, etc.; and Ms. Poole stated except the biggest reason which was safety, the program was needed for safety, but they needed everyone in the program, it should not be oriented for money; and Council Member Berry stated that on the MAP issue he sat with Mr. Saperstein a year and three weeks ago and they started having meetings at Transtar and METRO, HPD and Lieutenant Derden was there and at that point they had no clue about SafeClear or any concept thereof and had no interest in doing it; that METRO themselves said MAP would not work citywide; that they had a problem with disabled vehicles; that long before they talked about a mandatory tow program a plan was being looked at that looked like SafeClear, it was long in the works and it was not fair to say MAP was dismissed, David Saperstein may have said he was not willing to look at it any further, but he also wanted to point out that with the stats they now had it showed only about 500 out of 3,700 MAP would have helped so only about 13% of the cases could the first responder, MAP, help and the others they would have to call a tow driver for; and Ms. Poole stated that the type of things being discussed now was what their group discussed in meetings with them and they offered a proposal and were willing to negotiate and were never given a chance. Council Members Lawrence, Goldberg and Garcia absent.

Council Member Sekula-Gibbs stated that Council received statistics from Council Member Lawrence and it said 5% of the tows were impounded, Council Member Berry said a large percentage needed tows and AAA said only about 15% required towing; that she felt most did not require a tow; and Ms. Poole stated that people fearing for their cars was not good for the tourist trade and MAP may not be the answer but transportation grants were out there. Council Members Galloway, Goldberg, Garcia, Green and Berry absent.

Council Member Lawrence stated that yesterday Ms. Poole gave startling numbers which she documented by Fox News and after listening to the news the numbers were over 100% off; and Ms. Poole stated that she talked to the reporter on it and received the statistics from her, she based it on the amount of felonies as a whole according to records provided by SafeClear drivers, she did not have all the records by the way; that Auto Dealers were asked to provide a list of all SafeClear drivers and she found the list to be inadequate as she knew some who worked at the companies; that the reporter was saying 60% had felonies, but Auto Dealers had habitually let people get by with having felonies which was violent, sex offense or DWI crimes because they did not look close enough. Council Members Galloway, Goldberg, Edwards, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Greg Berger, 12056 Stroud, Houston, Texas 77072 (832-607-5599) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Jacquelyn Doakes, 2425 Holly Hall #62E, Houston, Texas 77054 (713-796-2263) appeared and stated that she had also been opposed to the SafeClear program since its initiation and wanted to repeat a suggestion she felt was an answer and that was they give all

wrecker drivers who wanted to participate a chance to join an auto club and that would give them a financial level playing field and then citizens could join which ever club they wanted. Council Members Galloway, Goldberg, Garcia, Green and Berry absent.

Council Member Lawrence stated that many people did not know auto clubs were supporting the program and reimbursing drivers, but she wanted all to know that for \$8.00 you could add towing to your insurance and she encouraged all to check their insurance. Council Members Galloway, Goldberg, Garcia and Green absent.

Mayor White stated that certain issues needed to be considered and she could make sure Mr. Cantu had her name. Council Members Galloway, Goldberg, Garcia, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Ms. Patricia Gonzales, 920 E. Houston, Pasadena, Texas 77052 (713-477-0359) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Garcia, Quan and Sekula-Gibbs absent.

Minister Joe Angel Lopez, 13334 Wills River Drive, Houston, Texas 77041 (832-243-0425) appeared and stated that when he heard an individual dashed across the freeway and was struck it caused him lack of sleep to think about a car going 60 miles and hour to hit someone, what the individuals and the family must be going through and prayers went out to them, but when he heard of SafeClear he thought the poor were going to be hurt and now someone rushed across the freeway. Mayor White, Council Members Galloway, Goldberg, Quan and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Lee Benner, 2505 Whitney, Houston, Texas 77006 (713-408-0515) appeared and stated that he was speaking for patrons and residents of the Market Square area; that when Downtown was developing valet parking was wanted for patrons but today most did not use valet and yet the parking was still there and it took away needed parking spaces. Mayor White, Council Members Galloway, Goldberg, Holm, Garcia, Quan and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that an ordinance was in place and if there were valet companies in violation they would like to know as there were penalties; that truck delivery zones came about because some were using them and the delivery trucks had no space so they and the valet have to apply for permits. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Quan and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Ovid Duncantell, 8002 Crestwick, Houston, Texas 77083 (713-205-9999) appeared and stated that he was present as many times in the past to complain about the Public Works Department; that each time they applied for a parade permit they went through changes and he had said more than once someone in the City structure was aiding the other organization to have an unfair advantage and now he had it on tape, it showed the whole application process where they were told nothing else was needed and then they were denied because of no insurance, they were treated unfairly. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she knew he had been communicating with several Council Members and they agreed there was a flaw in the ordinance and it needed to be corrected. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that the process was flawed and as she understood no

one had a permit and the insurance factor was not an issue now and it should not have been an issue; that it was being taken out of a department and placed in a more specialized unit; that between her office and the Mayor's Office they would get with him within the next seven to ten days; and thanked Mr. Duncantell for all his work. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Sandra Massie-Hines, 4425 Alvin, Houston, Texas 77051 (713-731-9806) appeared and stated that it was her sentiment Mr. Duncantell had invested in his vision to keep Dr. Martin Luther King's dream alive in this city and she also believed someone in the department was manipulating the policy; that Mr. Mata with LULAC suggested a grandfather clause added as an issuance of parade permits with longstanding history; that she thanked Mr. Norman for calling and trying to clear up some things the Council Members just mentioned but he had said grandfathering was not possible, but they were present wanting a fair and due process for the Black Heritage Society. Mayor White, Council Members Holm, Garcia, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado thanked Ms. Hines for expressing her concerns and stated this was the first time she heard about the grandfather clause and she did not think the door was completely closed on that. Mayor White, Council Members Holm, Garcia, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that she hoped they could get something on the Agenda immediately for the Regulatory Affairs Committee to see that changes were made to the ordinance; that she also felt only one parade should be held per day; and she wanted them to know she would be pushing to get this resolved. Mayor White, Council Members Holm and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she would ask the Administration to review the parade process through the Regulations Committee under Chairman Goldberg and bring it to resolution as quickly as possible; and Mr. Duncantell spoke of Dr. King when many would not. Mayor White, Council Members Holm and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to add Mr. Michael Wilson to the speakers list; and Mayor Pro Tem Alvarado stated that after they finished the speakers on this subject they would hear him if there were no objections. Mayor White, Council Members Holm, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Mr. Reynaud Thibodeaux, 402 1/2 Rosemont, Houston, Texas 77051 (713-734-4941) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Holm, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Mr. George Reitter, 7260 Sante Fe, Houston, Texas 77061 (713-641-2815) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Holm, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Mr. Michael D. Wilson, who had previously been added to the speakers list, appeared and stated that he had been working with SafeClear for the last 31 days and had to change his own lifestyle at home as he was operations manager for National Collision and they had four segments and he wanted to make sure their segments were done properly and in order and many things they were being told were not true. Mayor White, Council Members Holm, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Edwards, Mr. Wilson stated that the MAP program would either put a gasoline substance in your car or change a tire if you had a spare otherwise they would need to call a tow truck for you; that if people knew they could be moved off free that

would be what they would all want; and Council Member Edwards stated that there would need to be a system such as in California where everyone paid upfront and it was drawn from the pool so people did not pay from their pockets, but that implied a relationship between the state and city. Mayor White, Council Members Holm, Garcia, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Mr. Wilson stated that if the person had no cash, check or credit card they called out an HPD unit and he wrote a tow slip and the car went to the impound lot, but then the fee changed from \$75.00 to \$120.00 for just the first day; that they had several cases where people had no money and it was through the courtesy of their drivers that they took the car to the shop and let them come back with the money, their last resort was to put the person's car in storage: and Council Member Khan stated that with human nature you would want the tow free; and Mr. Wilson stated that to use a library you needed a library card and if people on hardships, senior citizens, etc., should need to fill out a form and when approved they would get to use the service free and the wrecker driver could write down their certificate number to prove he towed them. Mayor White, Council Members Holm, Garcia, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Green stated that he was for the SafeClear program; and upon questions, Mr. Wilson stated that many people he came in contact with were disturbed and confused because of the media, some did not have funds at all and would tell them they could not afford it and others were thankful for being towed off the highway; that some say they don't want a tow but it was because they did not have funds; that the plan could be perfect and with no cars on the side everyone would pay more attention to the road. Council Members Holm, Garcia, Quan and Berry absent.

Upon questions by Council Member Galloway, Mr. Wilson stated that there was a case where a car was abandoned they called it in and when given the authorization number to move it the guy came running up and had no money so he was given a card to where the car would be, but if you came back and the car was gone you could call 713-308-8580 which was the towing line; that they had not implemented a program for people who came back and had a car gone and who were not aware of the program; that maybe if a car was abandoned and towed to a storage lot they would be given a 48-hour period waived so the owner could go and pay the \$75.00 towing fee and then not have a storage fee; that the free tow would be if you were with your vehicle. Council Members Edwards, Holm, Garcia, Quan and Berry absent.

Upon questions by Council Member Galloway, Mayor White stated that he believed if the car was abandoned and the vehicle was towed from the emergency lane or shoulder there would be a \$75.00 charge; that there was not a perfect rule, but he discussed that as soon as the lot received the car that maybe it be reported to 311 so people could call and find out the location of the vehicle and they discussed a discounted rate for redemption, but it was worth exploring if someone abandoned a vehicle on a freeway that within a short period of time they be able to get the vehicle out for a reasonable charge. Council Members Edwards, Holm, Garcia, Quan and Berry absent.

Upon questions by Council Member Lawrence, Mr. Wilson stated that in the last month they had taken one person off with no money; that most of those he towed wanted to be taken to a location and they paid on the spot and most people did pay with cash. Council Members Edwards, Holm, Garcia, Alvarado, Quan 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 Edwards, Holm, Garcia, Alvarado, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. Benny Sanchez, 1400 Bluebell #915, Houston, Texas 77038 (281-820-5406) had reserved time to speak but was not present when his name was called. Council Members

Edwards, Holm, Garcia, Alvarado, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Rosalyn Moore, 5401 Arapahoe, Houston, Texas 77020 ( 713-674-2792) appeared and stated that in May a relative was given a ticket and she had given them her name instead of her own; that she went to court and had the date reset and the officer did not come; that she filed a formal complaint with Internal Affairs, but she was told the officer did nothing wrong by not properly identifying her and she had a problem with that as she could have been taken to jail and lost her job, she had to keep a clean driving record, that she was present as she was a victim still having to clear her name and still missing work; that she would like something in place so if a person was driving without a license a picture would be taken of them or fingerprint them so such would not happen. Council Members Edwards, Holm, Garcia, Quan and Berry absent.

Upon questions by Council Member Green, Ms. Moore stated that the judge said nothing could be done as the officer did not appear so it was dismissed but it was still in her name; that she brought confessions that she was the one who received the ticket and she had gone to court with her, but the judge said she still had to pay the \$90.00 to the Texas Department of Public Safety; that she did not know if Council could do anything about her, but came to ask something be put in place so it would not happen; and Council Member Green stated that he was sure the Mayor would direct HPD to check into it. Mayor White stated that Captain Ready was listening and he was sure he would get details and they could learn from this. Council Members Edwards, Holm, Garcia, Quan and Berry absent.

Council Member Galloway stated that she knew of another such situation and something should be in place to correct the wrong so it would not cause her any harm and could not imagine there was not a solution for her; that she hoped this would be corrected and she would not be out the \$90.00 and if it was not rectified she would like her to contact her office. Council Members Lawrence, Edwards, Holm, Garcia, Quan and Berry absent. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Edwards, Holm, Garcia, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Margaret Miller, 1200 Post Oak Blvd., Houston, Texas 77056 (713-877-1957) appeared and stated that she was present proposing that the City of Houston implement ways for Houstonians in need to more easily access organizations which were formed to serve them and believed the Department of Health and Human Services was most suited for the task and a link could be made available on the Houston website to catalog the agencies, addresses, etc. Council Members Lawrence, Edwards, Holm, Garcia, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Ms. Miller stated that she had heard of the 211 system, but she would like a website identifying agencies; and Council Member Sekula-Gibbs stated that the 211 system was an effort through the United Way and the Gulf Coast and 13 counties around Houston which allowed anyone needing help to call and get referrals and resources, but felt they could use both and would be glad to accept a copy of her proposal. Council Members Lawrence, Edwards, Khan, Holm, Garcia, Quan and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Miller for coming and for leaving a copy of her proposal and stated that he saw college kids pull together a website at a fraction of the cost in going out for RFP's; and upon questions, Ms. Miller stated that she would be happy to serve on any taskforce to get this organized and would only need a database connecting to the website; and Mayor White stated that she should leave her package with Mr. Cantu. Council Members Lawrence, Edwards, Khan, Garcia, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Cynthia Pharms, 6122 Caviler, Houston, Texas 77087 ((713-649-8113) appeared, presented information and stated that her Aunt Fannie Pharms was killed in 2003 and she was trying to get a law passed; that a dog bit out part of her Aunt's head and the case was ruled accidental with the dog's owner being charged nothing, he was not cited at all; that neighbors complained about the dogs being on the loose and there was a hole in the gate; that the dogs did not want food because they had food on the ground, but they actually ate her Aunt and she wanted to make sure it would not happen to anyone else; that she wanted legislation passed on dog bites and also wanted that case reopened. Council Members Lawrence, Edwards, Khan, Quan and Berry absent.

Upon questions by Council Member Green, Ms. Pharms stated that she needed letters of support and she had written on city ordinances and would like them to set-aside funds to get the strays off the streets and would like Pit Bull dogs and Rottweilers to not be allowed to walk the streets, parks, etc., only to be out when taken to and from a vet; that people were being mauled by dogs and nothing was being done and wanted people criminally and financially liable even with the one bite rule; and Council Member Green stated that he would contact Rep. Edwards office. Council Members Lawrence, Edwards, Khan, Quan and Berry absent.

Council Member Sekula-Gibbs stated that others had come to Council with the issue of dogs threatening them or others; and upon questions, Mr. Heilman stated that the District Attorney's Office had jurisdiction over it, it was not within the City's jurisdiction; that there was a leash law in Houston and that was an offense but he was not familiar with the case; and Council Member Sekula-Gibbs stated that there was a death and it seemed to have fallen through the cracks and she would like to know what type of letter was needed she would be happy to ask the Legislature for help. Mayor White, Council Members Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that she would like to work with Rep. Al Edwards; that whatever law they could help implement for Pit Bulls and Rottweilers she would be happy to as she felt they were untamable. Mayor White, Council Members Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Willie Colson, 16234 Beck Ridge, Houston, Texas 77053 had reserved time to speak but was not present when his name was called. Mayor White, Council Members Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Michelle Guppy, 16210 Cypress Trace, Cypress, Texas 77429 (281-256-3034) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Karen K. Kristopher, 5161 San Felipe #320, Houston, Texas 77056 (713-866-4016) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Gwen Graham, 9601 Rosehaven Drive, Houston, Texas 77051 (713-731-5590) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Olivia Randle, 6023 Beldart, Houston, Texas 77033 (713-733-2348) appeared and stated that she was present to report good news on Neighborhood Protection; that Mr. Emmett Walker and Mr. Tony Emmanuel had done very good in their community, they took care of work

quickly and she did not know why they had not already been moved up to supervisors since they knew how things went, if they knew how to get it done they should have people under them. Mayor White, Council Members Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John Nicks, 21247 Juniper Lane, Houston, Texas 77375 (832-515-0796) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John Sutter, 2401 Fountainview #1010, Houston, Texas 77057 (713-268-1010) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Rufus Brown, 906 Marcolin, Houston, Texas 77088 (281-835-3127) appeared and stated that he was present on behalf of the Black men in America; that many were in prison and 50% of the Black males were unemployed; that when they came out of prison they were called felons, he called them citizens; that when applying for jobs it said "no felons" and he wanted to know where were they to work or were they to go back to prison; that they had families and wanted a life too and he was begging Council to take their time and do what they could to help keep them productive. Mayor White, Council Members Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he heard him; that he had friends who made mistakes early in life and now had gotten things together and he was proud of them, but for what he was talking about he would encourage him to speak to his State Representative because the State of Texas had responsibilities for parolee programs. Mayor White, Council Members Lawrence, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Alicia Richards, 10114 Roschaven Drive, Houston, Texas 77051 (713-731-0417) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Randall L. Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-528-8586) appeared and stated that he was president of the Houston Chapter of the American Civil Liberties Union and he had received complaints on the City banning a book from the Houston Library; that it was on the New York Times Best Seller List and it was How To Make Love Like A Porn Star; that taking a book out of general circulation was a form of censorship and they felt it should be back on the shelf; that the constitution allows for freedom of speech; that the ACLU was also against the manner in which it was done; that apparently the normal system was bypassed and they were against the unilateral method of Bill White to take a book off the shelves and hide it away as it was a form of censorship. Mayor White, Council Members Lawrence, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that it was important to discuss such items based on First Amendment rights; that she did not have the expertise as he did with him being a member of the ACLU, but she would not want her children exposed to something in the library that she may think was pornography; and upon questions, Mr. Kallinen stated that the book was not a pornographic book, it was about the pornography industry from a woman's point of view. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Michael Haggerty Omowali, 2428 Southmore, Houston, Texas 77004 (713-942-0365) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Joe Marquez, P. O. Box 343952, Houston, Texas 77234 (713-910-1419) appeared and stated that Houston had real traffic problems and the people deserved real solutions; that problems with SafeClear were just becoming evident and the Mayor was convinced he could ease traffic congestion by concentrating on the only lane where traffic did not move; that a moratorium was needed so unfinished issues could be completed. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373) appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Cristobal Patino, 7903 South Loop E, Houston, Texas 77012 (713-643-2804) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Andria Hunt, P. O. Box 631103, Houston, Texas 77063 (713-307-6713) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Kip Quist, 12129 Plumwood, Cypress, Texas 77429 (281-320-1874) appeared and stated that his experience with the SafeClear program was horrible; that he had a flat tire and now had \$6,000.00 in damages and the tow truck company did not want to take responsibility; that now he was also out of a job and by Council's rules he was to have information in 10 days and now it was over three weeks and he still did not have information and they needed to get their act together. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Alvarado, Mr. Quist stated that he had already gone through the complaint process, he had talked to everyone including Captain Ready and still had no information. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Mr. Heilman stated that he could check on the status of his public information request; and Mr. Quist stated that he found out he did not even have insurance; and Council Member Sekula-Gibbs stated that he should write to the Police Chief as he had authority to terminate the contract. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Windemere, Houston, Texas 77088 (832-453-1900) appeared and stated that after seeing this morning the incident with SafeClear it was a seed of trouble now producing fruit; and if they could get a reprieve until November then it would be their opportunity to keep them off their back. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Anne O’Ryan, 4970 Hwy 290 W. #310, Austin, Texas 78735 (512-899-8843) appeared and stated that if the Council voted tomorrow on SafeClear they would like to reiterate that AAA Texas did support the Mayor’s proposal to provide free tows off the freeway for vehicles disabled on the shoulder of the highway and that coupled with Council Members Quan and Garcia’s amendment they thought would make huge strides in improving the program and that included HPD designating safe sites for motorists choosing the short tow off the freeway and AAA was encouraged to hear Council would consider creation of a Citizen Advisory Committee to discuss shortcomings and solutions which may occur. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-865-3822) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Zac McWilliams, 14250 Kimberly Lane, Houston, Texas 77079 (281-804-2815) appeared and stated that citizens wanted something done about congestion and safety, however, they wanted it done the right way and SafeClear suffered from a gross lack of planning and information; that in session yesterday it was made clear that the main objective to rescinding SafeClear or placing it on moratorium was it would have consequences in dealing with the contract companies, but citizens had been suffering consequences of SafeClear for a month; that the Mayor said Council’s responsibility was to citizens and not towing companies and he would ask that they hold to that idea and take it back to the drawing board. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:25 p.m. City Council recessed until 9:00 a.m., Wednesday, February 2, 2005. Council Member Wiseman absent due to being ill. Council Member Ellis out of the city on city business. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 2, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, February 2, 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, Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 9:30 a.m. Mayor White reconvened the meeting of the City Council and stated that the first item was the monthly financial report and called on the City Controller and the Director Finance and Administration. Council Member Garcia absent.

## **MAYOR'S REPORT**

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

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

Ms. Annise Parker, City Controller, stated that the Monthly Financial Report reflected activity for the period ending December 31, 2004, they now projected a budget shortfall of \$17.2 million, it was down \$6.5 million from the November report, almost all of the decline was due to decreases in expenditures rather than increases in overall revenues, for example the Police budget was back in balance, the \$5.4 million decline included the impact of the use of Bond Funds instead of General Fund dollars for the purchase of tasers, that as was promised last month they had taken a close look at revenues, unfortunately the review did not reveal the positive results they had hoped for, they did increase the projection for property and sales taxes and electric franchise fees but they decreased their estimates for ambulance fees and municipal court fines, after all the increases and decreases were taken into account there was a net increase in their revenue projections of just \$387,000, they would continue to review their projections, particularly sales tax revenues as the numbers continued to outperform last year's receipts, but at this point, halfway through the fiscal year, they did not expect a lot of change; she wanted to point out that there had been some ups and downs in the various revenue categories, they really had not changed their overall projection of a revenue shortfall much since the budget was passed and she would advice Council that it was time to take some action to close that gap, the longer they waited the harder it was to make those kind of adjustments, in terms of how that gap could be closed, under City ordinance it was possible to tap the undesignated fund balance for budgetary relief when it contained more than 5% of the adopted budget minus debt service, however the same City ordinance seemed to indicate that it was more prudent to not tap that fund until it went above 7.5% and currently they were at 6.8% of the budget in terms of their undesignated reserve, if they used the 5% test that gave them \$24 million available to cover the gap, that there were other ways of looking at whether it was prudent to draw down the unallocated reserve, the Government Finance Officers Association took a little bit different approach, they say that an unreserved General Fund balance should be between 5% and 15% of revenues, that put them at the low end of that spread and they also advised more than a month of operating revenues, they ended last year with one month of operating revenues but this year they would be cutting it pretty close and in fact in terms of actual cash they believed they were going to be ending the year at about \$25 million with cash on hand, that probably the most convincing argument against drawing down fund balances was that the rating agencies had been reporting favorably on the fact that the City had been increasing the financial reserve over time, in fact Standard and Poor's cited the City's strong General Fund reserve's as one reason for an upgrade in the outlook of the City's general obligation debt rating and Fitch's AA rating was partially based on the same information; that she would move into the Quarterly Investment Report, that she had made a new appointment to the three outside advisors on the Finance Investment Committee; that as of December 31, 2004 the City had approximately \$1.7 billion invested in seven different investment pools, the largest pool was a general pool with a balance of about \$1.5 billion and was currently earning a yield of approximately 2.5% and that was up from 2.4% last quarter, their remaining investment pools were for the most part dedicated construction funds, the largest of which was the Airport Construction Pool, which as of December 31, 2004 had a balance of about \$143 million and that balance was dropping pretty rapidly, the remaining investment pools were smaller in amount and had not significantly changed from the prior quarter; on the subject of interest rates the

federal reserve had raised the short term interest rates five times since last June, increasing fed funds from 1% to 2.25%, they expected it to rise to 2.50% shortly, the result of the increases were that the yield on the investments were increasing as their short term investments rolled forward but they did have a significant amount of variable rate debt, that was also affected by the rising interest rates and they were largely offsetting, that they had also included their SWAP Report for the quarter and if Council Members had any questions she would be happy to answer those questions. Council Members Galloway, Garcia and Berry absent.

Ms. Judy Gray Johnson, Director, Finance and Administration, stated that through December, for the General Fund, their major revenue sources were still in good shape and they had not made any changes to their estimates for property taxes or sales tax, that next week they would get the largest check of the year for sales tax, that every indication was that it was a good Christmas season, that they did reduce their estimate for ambulance revenues and they talked about that at the Fiscal Affairs Committee meeting last month and after a thorough review they had reduced their estimate by about \$1.2 million, they did not think it would go below that figure and January had been a very good month, which was not reflected in the December 2004 Monthly Report, that Council Member Green had asked some questions about the Municipal Court Revenue estimates yesterday, they were projecting about \$1 million below budget for the fines and forfeits related to Municipal Courts, of that about \$200,000 was attributable to parking violations, about \$2 million was attributable to moving violations below budget, however those were offset by increases in non traffic fines over budget by about \$400,000 and they had a large variety of other small items, several other fines that were not technically moving violations, but many of those were above budget by about \$800,000 netting out to about \$1 million, it indicated that there were some improvements in their delinquent collections efforts, that the Municipal Courts were definitely good and bad news, the totals they did not expect to reach budget but there were indications in some areas that some of the efforts were paying off, the other question that she wanted to respond to from yesterday was related to the Police Department, they were projecting the Police Department spending back to the original budget, because of the changes that were authorized in the Meet and Confer Agreement they had officers who were retiring who had selected the Phase Down Program which was of cash flow benefit to the City and those cost savings were enough to offset the cost of the additional cadet class, the debt service on the tasers and the other items that were added to their budget, that the new cadet class started on January 31, 2005 with 72 cadets, that outside of the General Fund they adjusted their revenues for Water and Sewer downward, expenses were also a bit down, the net was down a little bit but not anything that would be of concern at this time, that it was entirely weather related, that overall looking at the General Fund balance they were projecting an estimated ending fund balance of about \$86.7 million, which was a couple of million dollars below the original starting balance but above the level that was originally budgeted, that they did not have any intent of drawing the fund balance down, certainly not below the original expected or budgeted fund balance, they would not do that, whether in the end there might be a slight draw down of the fund balance, at this point they were predicting that it might happen, that was not what they planned to happen, they would hope to end with at least the same fund balance that they started with, and that concluded her report. Council Members Garcia and Berry absent.

Upon questions by Mayor White, Ms. Johnson stated that in terms of the last few years the fund balances were up now quite a bit higher, they had a low point of about \$70 million about three years ago and in terms of the fund balance of more concern there was essentially no cash, they had to borrow from the Any Lawful Purpose Fund to pay the bills at the end of the year, so in context of where they were three or four years ago the City's fund balance was much more improved and that was definitely something that the rating agencies commented favorably about, they liked to see figures around the 7.5% to 8% of expenditures in the fund balance, which they were getting closer to that. Council Members Garcia and Berry absent.

Upon questions by Council Member Goldberg, Ms. Johnson stated that the reason for reducing the estimate for the fines for the library was that they collected less in the first half of the fiscal year than was budgeted and they did not expect that they could recover to the original

budget, that the revenues were not below prior years but were below budget, that the simple answer was that they were too optimistic about how much improvement they could get by hiring a new collection agency, and Mayor White stated that he would ask Ms. Stein to get a brief explanation to Council Member Goldberg and the Members of the Fiscal Affairs Committee of the variance of their projections to the extend their projections were based upon estimates by a vendor.

Council Member Sekula-Gibbs stated that she wanted to know, besides the administrations recommendation that they offer a different contract for the Medicare Managed Care Program what other remedies did the administration plan to offer over the next six months, the last half of the fiscal year, to accomplish \$17 million in savings.

Mayor White stated that perhaps at Fiscal Affairs there ought to be discussion of the reasoning behind the differences in the revenues, and Council Member Ellis stated that he would suggest that at their next Fiscal Affairs meeting that the F&A Director and the Controller give a presentation.

Council Member Wiseman stated that they were told that the income the City would be receiving from the tow contracts would be deposited into the Police Special Services Fund and that was why there was an adopted budget of almost \$2.5 million for the fiscal year and she was not sure if anything else under "Other" was going to be considered besides the tow agreements but the adopted budget of \$2.477 million, year to date, they had only collected \$136,000, why the discrepancy and how was it that they were going to be able to make up that difference in six months, and Ms. Parker stated that she did not know the answer to that, that her office did not have any dealings with the tow truck companies as the process had gone through, and Ms. Johnson stated that she did not have the details but would get her a report, and Council Member Wiseman stated that she had asked for the information before and never received a response, that she thought it was important that they get an answer, that she wanted to know what accounted for "Other", that she wanted to see it in writing, that also in looking at the report and the Other Special Fund, the amendment they were being asked to support with respect to funding the tow companies for the tows, her question was how was it reflected in the report, and Ms. Parker stated that it was not reflected anywhere in the MOFAR, it was a report as of December 31, 2005, that she would have to punt that question to the administration they were the ones who would make the decision of which fund they were going to tap, and Council Member Wiseman stated that she would expect that the administration would respond swiftly. Council Member Garcia absent.

Council Member Holm asked for a list of all memberships paid by the City, itemizing the department, the person receiving the membership and the amount of membership, a list of travel expenses to conventions and meetings, including the departments billed, the person traveling and the cost of travel, a list of all the dollars given to non profit organizations for the program expense, identifying if it was General Fund or grant money, who received the money and the purpose of the expense, and a list of all expenses of less than \$25,000 that had been allocated, identifying individually the purpose, the budget impacted, the process for determining the need and the date it was issued; that they also passed an amendment that said that the Fiscal Year 2006 would be zero based and since there was a lot of difference between appropriating funds and building a budget she was hoping that everybody was looking in terms of preparing a budget in that manner. Council Members Goldberg and Garcia absent.

Council Member Khan stated that as a reminder to all the departments' one of the questions they would be asked when they presented their budget was if they followed zero based budget and what was the impact of it and if not why not. Council Members Garcia and Berry absent.

Upon further questions by Council Member Khan, Ms. Johnson stated that at this time they were planning two cadet classes in Fiscal Year 2006. Council Members Garcia and Berry

absent.

Upon further questions by Council Member Khan, Ms. Parker stated that as to the SafeClear Program it was clearly a program that was going to have to have more work and she trusted that the City Council would do a good job with it, that there were a lot of different decisions that could be made today that would have different budgetary impacts and she did not think it would be responsible to speculate how it would end up, it was a policy decision on behalf of the City that the City Council needed to make as to what would be in the best interest of the citizens. Council Members Garcia and Berry absent.

Council Member Sekula-Gibbs stated that pending the ultimate decision she would like for the Controller to come back with her estimate of the cost of the project at various times throughout the year so that the taxpayers could know, both the hard cost of the tows and the soft cost of the project because there were several layers they were creating, and Ms. Parker stated they would be happy to do that. Council Members Garcia and Berry absent.

Council Member Ellis moved to accept the Monthly Financial Report and the Quarterly Investment Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0067 ADOPTED.

### **CONSENT AGENDA NUMBERS 1 through 23**

#### **MISCELLANEOUS** - NUMBER 1

1. RECOMMENDATION from Director Finance & Administration for renewal of Annual Membership Dues in the **HOUSTON-GALVESTON AREA COUNCIL** - \$78,145.24 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0068 ADOPTED.

#### **ACCEPT WORK** - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$854,459.72 and acceptance of work on contract with **SHUMAKER-HARVEY EQUIPMENT CO., INC** for Sanitary Sewer Inspection and Rehabilitation by Point Repair Method, GFS R-0266-P8-3 (4277-9) - 03.1% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0069 ADOPTED.

#### **PROPERTY** - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Farrell Bolz, on behalf of Alejandro and Martin Flores, dba Mex Flores Produce Co., Inc., for encroachment agreement for two building encroachments into Michaux Street, located at 4910 N. Main Street, adjacent to Lots 10 and 11, Block 22, Stude's First Addition, Parcels ENY5-001A and ENY5-001B - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0070 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 4 and 5

4. **FUTURE EQUIPMENT COMPANY** for Backhoe Loader from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Airport System - \$73,591.72 - Enterprise Fund – was

presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0071 ADOPTED.

5. **ROBERT CUMMINGS ENTERPRISES, INC** for Replacement of Playground Equipment for Health & Human Services Department - \$147,990.00 and contingencies for a total amount not to exceed \$155,389.50 - Public Health Consolidated Construction Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0072 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 33, 13, 14 and 21 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0073 ADOPTED.

33. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** to provide up to \$4,000,000.00 in Community Development Block Grant Funds to assist in the Design and Construction of the Aquatic Center-Natatorium - **DISTRICT D - EDWARDS – (This was Item 32 on Agenda of January 25, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Goldberg stated that he wanted to offer the following written amendment:  
“Amend Article VI, Paragraph D to read as follows:

**D. Use Restriction.**

**Prior** to disbursement to the County of any of the City Funds, the City will obtain execution of the document attached hereto as **EXHIBIT “D”** Memorandum of Interlocal Agreement and Use Restriction (the “Memorandum”) which gives the City a ten (10) year restriction on the property described in the survey attached hereto as **EXHIBIT “E”**, which Memorandum is enforceable should the County cease to use the property to meet the national objective set out under 24 CFR §208(a)(2) prior to the execution of the Program Term. **After the expiration of the Program Term, the City agrees to file a release of said use restriction in the real property records and the Country agrees that the Project facility will be open to the public.**”

A vote was called on Council Member Goldberg motion to amend Item No. 33. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0074 ADOPTED.

A vote was called on Item No. 33 as amended. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0092 ADOPTED.

Council Member Edwards stated that she wanted to congratulate County Commissioner EL Franco Lee for his vision and leadership in this effort and looked forward to the youth of Houston really shining bright in the Aquatics area across the Nation. Council Member Berry absent.

Mayor White stated that he appreciated the individuals within Housing Community and Development, the City Council and Commissioner Lee for being responsive to helping them get more projects done where they needed to. Council Member Berry absent.

Council Member Lawrence stated that she visited with Commissioner Lee four or five months ago and he was very excited about the project, that she thought this was the way they needed to look at things and combine their tax dollars and be jointly responsible to all of the constituents and let them see they were working with the County, that they were really working for community service. Council Member Berry absent.

13. ORDINANCE approving and authorizing contract between the City of Houston and **SOUTH CENTRAL HOUSTON ACTION COUNCIL, INC** to provide funding for Renovation of the South Central Federally Qualified Health Center located at 8610 Martin Luther King,

Jr. Blvd \$106,700.00 - CDBG Fund - **DISTRICT D – EDWARDS** – was presented.

Council Member Edwards stated that she was going to tag the item, that she hoped that people who were doing work in the District D area really try and work with their office, that they had no contact with the organization regarding the item, that they tried to work to develop a partnership with their community residents and their office, so she would encourage people who were trying to do work and renovations in the community to at least speak with the community before they brought those types of items to Council. Council Member Berry absent.

Council Member Sekula-Gibbs stated that the community clinic had been in existence for 10 years in the south central area, in Sunnyside and was the very first federally qualified health center that had ever existed in Houston and was highly needed in the Houston area, that she would ask Council Member Edwards to please support the clinic. Council Member Berry absent.

Council Member Quan stated that he agreed with Council Member Sekula-Gibbs, that Mr. Wilson apologized for the oversight and believed that being new on the job he was not aware that they should have had it before the committee first to have community input, that he checked the consolidated plan from last year and it was there and had an opportunity for community input at that time, it was not a new item, that he had a commitment from Mr. Wilson that he would certainly make every attempt to bring it to committee in the future before it got to Council, that he understood Council Member Edwards position but it was certainly a worthwhile project. Council Member Berry absent.

14. ORDINANCE approving and authorizing submission of Pre-Disaster Mitigation applications to the Federal Emergency Management Agency, declaring the City's eligibility for such grants; authorizing the Director of the Department of Public Works and Engineering to act in all matters pertaining to the program and to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, related to the Federal Emergency Management Agency Grant Programs – was presented.

Council Member Galloway stated that she would tag the item because she wanted some more research about why District B meets the criteria in the area and was not considered for the grant money, that they had two projects on the books for two years that had yet to come up for funding and that was not even listed on the storm drainage funding source and what stage they were in that was given to her, that they continued to get flooded.

Council Member Edwards stated that the issue of how cost benefit analysis was done by FEMA Grants would always put high end properties and institutions ahead of middle to low income properties but it did afford them the opportunity to manipulate the money that it freed up on a City level, that she was suggesting that they do the City that Council Member Galloway had asked for but thought they needed to do more than a study, that they needed to devise a policy or ordinance that speaks to the institutionalizing the funds that were freed up and prioritize those funds for CIP projects in historically underserved or deferred maintenance areas like Districts B, I and so forth, that she would like to start the process with the Flooding Committee looking at District B.

Council Member Khan stated that he wanted to add his tag to the item also, that he had similar concerns.

21. ORDINANCE awarding construction contract to **MERIDIAN COMMERCIAL, L.P.** for Crestmont Park (GFS F-504A-10-3); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies; professional engineering testing, and construction management relating to construction of facilities financed by Community Development Block Grant Funds -

\$847,709.00 - CDBG Funds - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Edwards. Council Member Berry absent.

**ORDINANCES** - NUMBERS 6 through 23

10. ORDINANCE releasing certain territory consisting of approximately 137 acres in Fort Bend County in the vicinity of the City of Missouri City, Texas, from the extraterritorial jurisdiction of the City of Houston – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0093 ADOPTED.
11. ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 165** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0094 ADOPTED.
12. ORDINANCE consenting to the addition of 29.642 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 155**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0095 ADOPTED.
15. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY DEPARTMENT OF EDUCATION** for Record Storage and Retrieval Services for Various Departments - \$206,000.00 - General, Enterprise and Grant Funds - had been pulled from the Agenda by the Administration, and was not considered. Council Member Berry absent.
18. ORDINANCE approving and authorizing sponsorship agreements between the City and **BOMAR AVENUE HOMEOWNERS ASSOCIATION** and **VILLAS OF CASTLE COURT HOMEOWNERS ASSOCIATION** for Solid Waste Collection Services - 6 Months - \$396.00 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-00996 ADOPTED.
19. ORDINANCE appropriating \$19,570.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing purchase of a certain tract of land out of Hartland Acres, W.C.R.R. Co. Survey, Section One, A-935, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-59.1 (Project 617); approving purchase and sale agreement with the owners of the land (Leslie Victor Gregg and Hazel Gregg) **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0097 ADOPTED.
23. ORDINANCE awarding construction contract to **TRIPLE B SERVICES, L.L.P.** for Construction of Water, Sanitary Sewer and Storm Drainage Systems to serve Section One of the Mills Landing Subdivision, CIP S-0800-E5-3 and R-0800-E5-3 (DPC-74); approving and authorizing assignment of the contract to **UNIVERSITY DEVELOPMENT, INC - DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0098 ADOPTED.

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

**ORDINANCES**

6. ORDINANCE **AMENDING CHAPTERS 1 AND 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the licensing of certain wrecker drivers in the City of Houston – was presented, and tagged by Council Member Lawrence. Council Member Berry absent.

Council Member Lawrence stated that there was some information she wanted to get from the Legal Department, and Council Member Sekula-Gibbs requested that her tag be added to the item. Council Member Berry absent.

Council Member Khan stated that he would tag the item and requested information as to why they wanted to do background checks. Council Member Berry absent.

Council Member Sekula-Gibbs requested that the Controller or F&A provide them the estimated cost of doing the background checks and how many drivers were they going to be checking, that it was her understanding that it had been conducted already. Council Member Alvarado absent.

Upon questions by Council Member Edwards, Mr. Michel stated that what this item addressed not only the SafeClear drivers but also any other driver within the City who conducts business with the City, that he was not sure if they did background checks for TSA at the airport, that he knew that in other instances, such as auto dealers and taxicab drivers they did do the checks for them, that he would check with a couple of sources and get back with her. Council Member Alvarado absent.

Council Member Garcia stated that they had been doing this practice for many years, that they were agents, technically, with the City and thought it was important for them to make sure that they did all they could in due diligence. Council Member Alvarado absent.

Council Member Berry stated that he hoped everybody got the description from the Legal Department of a sort of overview of the item, that it was a combination of how they regulated the used car dealers and the taxi drivers, plus DWI and four traffic tickets, that he knew there had been some concerns about the constitutionality of it, that Dallas actually did it and it was modeled on theirs, that it held up in a Fifth Circuit Court as reasonably related to public safety, that he thought it was long over due.

7. **ORDINANCE AMENDING SECTION 2-139 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Dishonored Checks – was presented. All voting aye. Nays none. Council Member Berry absent. **ORDINANCE 2005-0099 ADOPTED.**
8. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Membership of the Houston Library Board – was presented.

Council Member Holm stated that she wanted to offer the following motion to amend Item No. 8 and would tag the amendment and the main item:

“Motion by Council Member Holm that Item 8 be amended to remove the provision that one membership position may be occupied by a non-resident of the city.”

After further discussion by Council Members, Council Member Ellis asked if they presently gave any resident in the State of Texas a library card and Ms. Stein stated that they did, and Council Member Ellis stated that he was curious as to why they did, and Mr. Hall stated that if they remembered it was an initiative of about four years ago when they determined that it was probably in the best interest of the people of Houston to have access to their libraries, that it was determined at that time that it was probably advisable not to restrict the residents who wanted to apply for the card, that they could be issued a library card upon application, no matter where they lived, if they had a Texas drivers license.

Upon further discussion, Mayor White stated that it was a close judgment on the part of the administration so he welcomed people’s feedback on it. Council Members Goldberg and Berry absent.

9. ORDINANCE adopting a three-year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code – was presented, and tagged by Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

After discussion by Council Members, Mayor White stated that some citizens who were informed raised real questions in his mind and he thought that having an open transparent public hearing to evaluate whether or not the administration's processes, procedures and criteria's were accurate, and Council Member Ellis would suggest to him that the Fiscal Affairs Committee would evaluate the numbers, as far as the process he may want to go through Regional Planning and thought it would be appropriate there. Council Members Holm and Berry absent.

Mayor White stated that someone raised an issue about the incremental costs, and Mr. Hall stated that they had not done it for very long, and Mayor White asked that he get on it with F&A and Planning, that if they had not taken into account the overall cost and it had been inaccurately misrepresented to the City then he did not like that. Council Members Holm and Berry absent.

Council Member Lawrence stated that she had some concerns and would like to talk to the Legal Department, for example billboards. Council Members Holm and Berry absent.

16. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** permitting Harris County residents to bring Household Hazardous Waste to the City of Houston's Environmental Service Center for safe and proper disposal – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2005-0100 ADOPTED.
17. ORDINANCE approving and authorizing contract between the City of Houston and **MCGRIFF, SEIBELS & WILLIAMS** for three years with two successive one-year options to provide Audit/Review, Benchmarking and Consulting Services for the Workers' Compensation Program \$298,750.00 - Worker's Compensation Fund – was presented, and tagged by Council Member Ellis. Council Members Holm and Berry absent.
20. ORDINANCE appropriating \$854,700.00 out of Fire Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **PROZIGN, INC** for New Downtown Fire Station 1; CIP C-0149-02-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2005-0101 ADOPTED.
22. ORDINANCE appropriating \$7,480,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing the sixth amendment to professional engineering services contract between the City of Houston and **LOCKWOOD, ANDREWS, AND NEWNAM, INC** for Surface Water Transmission Program; GFS S-0900-01-02 (WA10448) – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2005-0102 ADOPTED.

#### **NON CONSENT AGENDA** - NUMBERS 24 and 25

#### **MISCELLANEOUS**

24. **SET A PUBLIC HEARING DATE** on recommendation from Director Planning & Development Department to consider the proposed amendments to the Planning and Zoning regulations for Tax Increment Reinvestment Zone Number One (St. George Place) (TIRZ) and zoning map to rezone Reserve "A" Big Ben Shopping Center, and Lots 3 and

4, Block 18 Lamar Terrace Subdivision and authorize publication of notice - **DISTRICT C – GOLDBERG - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - 4 WEEKS AFTER DATE OF PASSAGE** – was presented. Council Member Berry absent.

Council Member Garcia moved to set a public hearing for March 2, 2005, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0075 ADOPTED.

### **PROPERTY**

25. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ke Chen, of K. Chen Engineering, on behalf of Rob Johnson Interests, Inc (Robert E. Johnson Jr., president) for abandonment and sale of a 15-foot-wide alley, from Shepherd Drive to Parker Street, located within Block 54, Brunner Addition, Parcel SY5-034 - **TWO APPRAISERS and one ALTERNATE APPRAISER DISTRICT H – GARCIA** – was presented. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia named Mr. Frank Flores and Mr. John Fox as appraisers and Mr. Patrick O'Connor as alternate and moved approval of the recommendation, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0076 ADOPTED.

### **MATTERS HELD** - NUMBERS 26 through 34G

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 – (This was Item 26 on Agenda of January 19, 2005, POSTPONED BY CONSENT)** – was presented. Mayor White absent. Mayor Pro Tem Alvarado presiding.

After discussion by Council Members a vote was called on Item No. 26. All voting aye. Nays none. ORDINANCE 2005-0103 ADOPTED.

27. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Houston Emergency Center for supplemental allocation of funds for contract with the **MITRE CORPORATION**, a not-for-profit company, for the purpose of expediting the reliability performance process of the Consolidated Computer-Aided Dispatch and Records Management Systems located at the Houston Emergency Center (HEC) - \$29,000.00 General Fund – **(This was Item 2 on Agenda of January 25, 2005, TAGGED BY COUNCIL MEMBERS QUAN, WISEMAN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. MOTION 2005-0077 ADOPTED.
28. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Houston Airport System for approval of final contract amount of \$3,857,807.18 and acceptance of work on contract with **THYSSEN STEARNS, INC** for Passenger Loading Bridges at William P. Hobby Airport; Project No. 417C; CIP A-0141 - 35.85% under the original contract amount - **DISTRICT I - ALVARADO – (This was Item 3 on Agenda of January 25, 2005, TAGGED BY COUNCIL MEMBERS KHAN, GALLOWAY and GREEN)** – was presented. All voting aye. Nays none. MOTION 2005-0078 ADOPTED.

29. ORDINANCE **AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON,**

**TEXAS**, relating to the Bureau of Animal Regulation and Care – **(This was Item 11 on Agenda of January 25, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. ORDINANCE 2005-0104 ADOPTED.

30. ORDINANCE approving and authorizing contract between the City and **AKIN GUMP STRAUSS HAUER & FELD LLP** for Federal Representation; providing a maximum contract amount 2 Years - \$552,000.00 - General Fund – **(This was Item 18 on Agenda of January 25, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Goldberg absent. ORDINANCE 2005-0105 ADOPTED.
31. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$4,400,666.87 and acceptance of work on contract with **PEDKO PAVING, INC** for Neighborhood Street Reconstruction Project No. 441, GFS N-0374-01-3 (SB9042) 01.55% over the original contract amount - **DISTRICTS D - EDWARDS and H - GARCIA** – **(This was Item 29 on Agenda of January 25, 2005, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2005-0079 ADOPTED.
32. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$7,521,636.50 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of West Fuqua from South Belt to Campden Hill, GFS N-0489-01-3 (N-0489-01) - 00.90% under the original contract amount - **DISTRICT D - EDWARDS** – **(This was Item 30 on Agenda of January 25, 2005, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2005-0080 ADOPTED.

Council Member Berry stated that they had problems with Texas Sterling in the past and asked that they be on red alert with the company so it would not happen as in the past, and Mayor White stated that there had been improvement. Council Members Goldberg and Khan absent.

Council Member Galloway stated that there was a problem in her district some time ago and the company did correct all the problems and worked with the community and proven themselves and she had all the confidence in them now, that she had no problem with them, and Mayor White stated that he followed through on their comments with the ownership of the company and Public Works. Council Member Khan absent.

Council Member Goldberg stated that he wanted to find out what their warranty was on the project, Knollwood Village and Mayor White asked that the representative of Public Works get them that information. Council Member Khan absent.

34. MOTION by Council Member Quan/Seconded by Council Member Garcia to amend Item 34G below:  
Credit towing contractors for towing vehicles to “safe drop” locations shall be the responsibility of the City where towing contractors have exclusive rights to provide freeway service. **(TAGGED BY COUNCIL MEMBERS WISEMAN and KHAN)**

Council Member Garcia stated that on Item No. 34 he wanted to move to accept his amendment as previously stated and wanted to appreciate Mr. Richard Lewis and Mayor White’s administration for confirming the intent and the effect of what he had hoped to accomplish out of the amendment and his administration’s support for that amendment and would ask his colleagues to help them move forward on this particular project.

Council Member Ellis asked if Item 34 passed did it make Item No. 34a(2) a moot point, and Mayor White stated that the item had to do with a source of funding for certain things, that is what it dealt with, in a sense it might become moot or superfluous depending on what else passed but it had to do with the source of funding, there were two different items that dealt with the charges, 34a and there was a limit to the charges on 34b and there was something to deal with the charges on 34c, but did not believe that a passage of Item No. 34 would be covered by the doctrine, the similar issue or question, because it had to do with the source of funding, and Council Member Ellis asked Mayor White if the Chair would agree that the source of revenue would be generated by the individual who was being towed and therefore paid back to the operator, that the City would pay back within 60 days but then would be collecting within 30 days therefore it was a revenue neutral position and Mayor White stated that was correct.

After discussion by Council Members, Council Member Lawrence stated that they all knew that traffic needed to move in the City of Houston, that they were elected to make tough decisions, that they could never please 100% of the people, that SafeClear was making a difference and they just needed to decide how they were going to regulate the program, that the program, to her, needed to go forward, that everybody who drove the freeway had a responsibility.

Council Member Sekula-Gibbs stated that she was for increased mobility and safety for motorists but was concerned that they were going to hurry into another program because it was morphing into a completely different program, that they needed some time to study the situation carefully before they made some changes, that she thought it was time to rescind it and send it back to the drawing board, that there was no such thing as free tows, they were taxpayer tows, that they needed to have a well thought out motorist assistance program that could be an effective solution.

Council Member Edwards asked if the lawsuit that had been filed in federal court had any effect on what they were talking about today, did it impact what they were doing today, and Mr. Michel stated that only to the degree, and he had handed out a memo, that some of the amendments if they provided for tows that were consent rather than non consent was the central part of their defense, but thought that what was being put forward by the administration, in terms of what it was supporting, those amendments he did not believe would harm them in the lawsuit, he thought they would be fine going forward with their defense that they had been planning when the issues first came up as of last year, that the complaint was filed yesterday, a request for a temporary restraining order, a hearing was held this morning and the judge denied the request for an order and that was the status of the lawsuit, that they had not ruled on the final merits of the lawsuit yet.

Upon further discussion by Council Members, Council Member Wiseman asked how they would account for it bookkeeping wise, that they had no way to account for it in the budget books that they approved every year, there was no oversight or transparency, and Mayor White stated that there were two that tended to work together if both were enacted, those were the amendment proposed by the administration, which had procedures for reimbursement and then the general policy that it should be done as a credit to towing contractors and the fund that had been identified was 205-10. Council Member Galloway absent.

Mayor White asked if there was something about any of the amendments that would violate the rules and laws that would apply to the budget of the City of Houston, and Mr. Hall stated that the budget they adopted was a planning document and there was a general provision that the administration could transfer funds within sub categories within that budget and they did routinely, there was a limit on the capacity to do that imposed by City Council, that the City could not operate without the capacity to move around, the budget was not a document for which sub-categories were expended to the nickel based on the way it was passed and City Council had always recognized that. Council Member Galloway absent.

Upon questions by Council Member Holm, Mayor White stated that it referred to those places where the vehicles were taken for those tows as they had described in the ordinance, not as described in the next proposed amendment, that there were two definitions of safe drop. Council Members Galloway and Edwards absent.

Council Member Garcia stated that the intent of his motion essentially would be to take vehicles to a safer location other than their existence on the shoulder of the freeway, that safer locations was the actual intent of the amendment. Council Members Galloway and Edwards absent.

Council Member Quan stated that he thought they generally agreed in principle that it was to a safe location off of the freeway within a short distance, that they had not designated those locations as of yet but believed the City Council understood that was what was being looked at. Council Members Galloway and Edwards absent.

A vote was called on Item No. 34. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Members Galloway and Edwards absent. MOTION 2004-0081 ADOPTED.

34a. WRITTEN Motion by Council Members Mark Ellis and Council Member Toni Lawrence to amend Item 31a of the January 25, 2005 City Council Agenda:

Delete the Initial Annual Estimate of \$300,000. No funding necessary.

This amendment and restatement of the 29 Major Freeway Tow Agreements is intended to respond to concerns about the SafeClear Program

1. The Police Chief is being authorized to promulgate response times based on the time of day and nature of the incident, but not less than the six (6) minutes as stated in the current agreement;
2. REVISED - The City's non-consent tow fee will be \$124.00 for all abandoned vehicles, accidents, and arrests while retaining the \$75.00 fee and creating a new \$35.00 fee for all other tows. The citizen has the choice of a \$75.00 fee for up to 5 miles with \$1.50 fee for every mile thereafter or a \$35.00 fee for up to one-mile or the nearest point of relief. For those individuals unable to pay at the time of the tow, the tow operator will issue an invoice and the individual will have 30 days to pay the fee or schedule an administrative hearing
3. DELETE
4. REVISED - The city will reimburse tow operators within 60 days for invoiced tows. Tow operators will invoice all vehicles owned or leased by the City.
5. The Amended and Restated Freeway Tow Agreement with Allied Collision Center for segment 18 also includes an amendment to Section 2.02 (4) to correct a typographical error. - **TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS and SEKULA-GIBBS** – was presented.

Council Member Ellis stated that the amendment would increase abandoned vehicle tows, accidents and arrest tows to \$124, they would retain the \$75 fee, which the administration put forward up to 5 miles with a \$1.50 for every mile thereafter, they would also offer an option to the individual and that would be a \$35 fee up to a 1 mile tow and/or to the nearest point of relief or to a safe drop, they would also set up an invoice process where individuals who did not have the money could be issued an invoice by the tow truck driver which could be paid within 30 days and/or a requested administrative hearing if for some reason they felt the tow truck driver had abused their rights under the ordinance, they would also set up a process by which the tow operator would be paid within 60 days, therefore really abolishing the need for any funding that would be necessary.

After a lengthy discussion by Council Members a roll call vote was called on Item No. 34a.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting aye
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting aye	MOTION 2005-0082 FAILED

- 34b. WRITTEN Motion presented by Council Member Holm to amend Item 34G below:  
Motion that Item 31a on the Agenda of January 25, 2005, be amended to cap the amount of funding for the shoulder removal program at \$150,000.00 for six months (no more than \$75,000.00 per quarter) - **TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS and SEKULA-GIBBS** - was presented.

After discussion by Council Members, Council Member Holm stated that in her opinion in the SafeClear Program there were some things that still were not worked out and she was willing to give \$75,000 for the next 3 months to subsidize the program at \$50 and work it out and a total of \$150,000 for six months, that at the end of six months something had to happen because there was no provision for paying; and Council Member Sekula-Gibbs stated that she wanted to make sure that they got a true cost when it came back to Council; and Council Member Galloway stated that she wanted to know who was going to keep up with it, were they going to have someone monitor the amount; and Mayor White stated that it seemed to be a reasonable amount and obviously if there was not sufficient money they would have to bring it to the attention of the City Council.

Council Member Wiseman asked how exactly was it being handled, they were being told \$300,000 was what they were appropriating through the amendment, and Mr. Michel stated that it would be an appropriation in the ordinance, and Council Member Wiseman asked if the State Legislature decided that the City acted outside of its authority and upon that decision by the State they still supposedly owed money to the tow truck companies how were they going to handle that, and Mr. Michel stated that if they had an outside event like legislation that would apply to a point in the future and they still had obligations under the contract he believed that under the contract that may be a basis for the termination of the contract at that time, that it was one of the final provisions that they had in the contract that the operator agreed to comply with all State law provisions and regulations so that would be a basis that it would effectively terminate the agreement.

Council Member Green moved to suspend the rules to remain in session beyond the scheduled noon recess to complete the agenda, seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2005-0083 ADOPTED.

A roll call vote was called on Item No. 34b.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting aye	MOTION 2005-0084 ADOPTED

- 34c. WRITTEN Motion presented by Council Member Quan to amend Item 34G below:

Amendments to the Safe-Clear Program

- A. City Attorney shall be directed to prepare and present an ordinance amending the Houston Municipal Code relative to the Safe Clear program to provide the following:
1. Clarify that the intent of the Safe Clear program is to improve safety and congestion relief by removing disabled vehicles from freeways and from the view of other drivers as rapidly as possible
  2. Specify that vehicles removed from any portion of a freeway under the Safe Clear program shall be, at the sole discretion of the vehicle's driver or other person having control of the vehicle, either –
    - a. Towed to a proximate "safe drop" location at no charge to the driver, or
    - b. Towed to a storage, repair or service facility, or other location, designated by the driver, at the driver's expenseNotwithstanding (a), any vehicle which is abandoned, disabled as a result of collision, or involved in a crime or arrest shall be deemed to be a "non-consent tow" subject to the standard towing fee.
  3. Require the Police Department, in consultation with other agencies as appropriate, to designate a network of "safe drop" locations, which at a minimum shall be well-lit, have a public telephone, be accessible to the disabled, and be located in well-frequented public or commercial areas not more than two miles from the vehicle disablement. These designated areas shall be the only locations utilized for "safe drop" tows unless specifically directed otherwise by a police officer.
  4. Require the Police Department to develop and implement a service feedback and grievance procedure that will facilitate determining the level of satisfaction with service under this program and the resolution of service problems and complaints. - **(TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS, SEKULA-GIBBS and KHAN)** – was presented.

After discussion by Council Members, Council Member Quan stated that their intent was to improve safety and congestion relief, that it should be their decision whether they wanted to go to a safe drop location or a storage facility, they would still have a \$75 fee in place but provide an opportunity if they just wanted to get off of the freeway to a safe location, that was their choice, if the car was abandoned, disabled, the result of a collision or if there was an arrest then he would agree with the administration that they should increase the fee to the \$124 that they presently charge under the non consent tow arrangement.

Mayor White stated that the administration opposed the amendment but they instructed people to do what the fourth provision of Council Member Quan's amendment provided.

Council Member Galloway asked how would the towing companies be affected if State law was passed prohibiting the program, and Mayor White stated that it depended in part on what the State law said and did, and Mr. Michel stated that it was going to depend on what was required and then the law was going to look at specifically to what degree the contract could continue, it was going to depend on the circumstance, that they would not know until there was such legislation.

After further discussion a roll call vote was called on Item No. 34c.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting no
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting no	MOTION 2005-0085 FAILED

34d. WRITTEN Motion presented by Council Member Sekula-Gibbs:

A motion to rescind the Safe Clear program:

- (a) Ordinance No. 2004-498 relating to impairments and obstructions of roadways and sidewalks; amending the code of ordinances, Houston, Texas, and containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability; and declaring an emergency.
- (b) Ordinance No. 2004-1228 approving contracts with towing company operators and authorizing the Chief of Police to enter into contracts between the city and North Houston Motors, Inc, Unified Auto Works, T&T Motors, Cannino West, Inc, Milam Street Auto Storage, Inc, Allied Collision Center, Corporate Auto Services, Inc and Westside Wrecker Service, Inc for major freeway tow agreements; containing provisions relating to the subject; and declaring an emergency.
- (c) Ordinance No. 2004-1242 approving contracts with towing company operators and authorizing the Chief Police to enter into contracts between the city and North Houston Motors, Inc., Unified Auto Works, Fiesta Wrecker Service, National Auto Collision, Inc., Wrecker Service, Inc. and Corporate Auto Services, Inc. for major freeway tow agreements; containing provisions relating to the subject; and declaring an emergency. - **TAGGED BY COUNCIL MEMBER EDWARDS** - was presented.

After discussion by Council Members, a roll call vote was called on Item No. 34d.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting aye	Council Member Ellis voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting no	MOTION 2005-0086 FAILED

34e. WRITTEN Motion presented by Council Member Wiseman to amend Item 34G below to read:

Motion to amend Agenda item 31a to read:

Amend Section 8-127 Major Tow Agreement Section (c) to read:

“(c) For purposes of this section, the term “major freeway” shall include those limited access roadways in the designated state highway system. Application of the agreement and the requirements of this section shall include moving lanes of traffic, excluding shoulders and frontage or service roads.” - **TAGGED BY COUNCIL MEMBERS EDWARDS and ALVARADO** – was presented.

After a lengthy discussion by Council Members, Council Member Goldberg moved to call

the question, seconded by Council Member Green. All voting aye. Nays none. MOTION 2005-0087 ADOPTED.

A roll call vote was called on Item No. 34e.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting no	MOTION 2005-0088 FAILED

34f. WRITTEN Motion presented by Council Member Wiseman to amend Item 34G below:

Motion to amend Agenda Item 31 a:

“The City of Houston will place a 6 month moratorium on Ordinance #2004-497, which was passed by Houston City Council on May 26, 2004.” - **TAGGED BY COUNCIL MEMBERS EDWARDS and ALVARADO** - was presented.

After discussion by Council Members, Council Member Galloway stated that there was no data of persons affected who were pulled over to the shoulder on the freeway who were just having a breakdown, that Lieutenant Bender had sent information but it did not deal with persons pulled over to the shoulder and how many were harmed or killed, that it gave some information from other places and States, if someone could show her the numbers for Houston she hoped she could get that.

Council Member Edwards asked Mr. Michel what was the difference between a moratorium and rescinding or was there a difference contract wise or legally, and Mr. Michel stated that the rescinding would be as if they had never adopted it from that point out and the moratorium was simply deferring the decision to a later time. Council Members Garcia, Ellis and Berry absent.

After further discussion a roll call vote was called on Item No. 34f.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting no	MOTION 2005-0089 FAILED

34g. ORDINANCE approving and authorizing amended and restated contracts with towing company operators and authorizing the Chief of Police to enter into contracts between the City of Houston and **ALLIED COLLISION CENTER, CANNINO WEST, INC, CORPORATE AUTO SERVICES, INC, FIESTA WRECKER SERVICE, KTL ENTERPRISES, INC, MILAM STREET AUTO STORAGE, INC, NATIONAL AUTO COLLISION, INC, NORTH HOUSTON MOTORS, INC, T&T MOTORS, UNIFIED AUTO WORKS** and **WESTSIDE WRECKER SERVICE, INC**, for Major Freeway Tow Agreements and approving and authorizing a Major Freeway Tow Agreement between the City of Houston and **KTL ENTERPRISES, INC**; providing a maximum contract amount - **This was Item 31A on Agenda of January 25, 2005, TAGGED BY COUNCIL**

**MEMBERS WISEMAN and EDWARDS)** - was presented.

Council Member Galloway offered the following written amendment:

“Please let this letter serve as a written reflection of my desire to amend the February 2, 2005 Houston City Council Agenda item identified as Item 34.

The intention of this amendment is to allow for the non-consent towed motorist to have twenty-four hours of vehicular storage at no charge”, tagged by Council Members Alvarado and Garcia. Council Member Berry absent.

After a lengthy discussion by Council Members, a roll call vote was called on Item No. 34g as amended.

**ROLL CALL VOTE:**

Mayor White voting aye

Council Member Lawrence voting aye

Council Member Galloway voting aye

Council Member Goldberg voting aye

Council Member Edwards voting aye

Council Member Wiseman voting no

Council Member Khan voting aye

Council Member Holm voting aye

Council Member Garcia voting aye

Council Member Alvarado voting aye

Council Member Ellis voting aye

Council Member Quan voting aye

Council Member Sekula-Gibbs voting no

Council Member Green voting aye

Council Member Berry voting aye

ORDINANCE 2005-0106 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Lawrence stated that she had a super neighborhood that came into affect and wanted to congratulate Spring Branch Super Neighborhood North and Chuck Davidson for all the work they had done to make it a possibility. Council Members Wiseman, Holm and Quan absent.

Council Member Lawrence stated that their prayers had been with Officer Pinkerton and many of them had visited him in the hospital, that both of his arms were broken and there would be an auction for him and those who wanted to make donations for the auction it would be at the storefront in the next few weeks, and Council Member Berry asked Council Member Lawrence to post those details so that they would all know about it. Council Members Wiseman, Holm and Quan absent.

Council Member Lawrence stated that she wanted to compliment Office Shane Borak on moving onto a murder and making two arrests at the scene, it was excellent work done by him. Council Members Wiseman, Holm and Quan absent.

Council Member Lawrence stated that Inspector Gloria Gallegos had been very helpful as a City employee in meeting the needs at 311 and she wanted to recognize her. Council Members Wiseman, Holm and Quan absent.

Council Member Lawrence stated that yesterday Ms. Becca Traver was appointed to her office from the Mayor’s Youth Council, that they had a great time. Council Members Wiseman, Holm and Quan absent.

Council Member Garcia stated that along with the progress that they made with SafeClear the Houston Police Department could expect the same type of forward progress motion with the recommendation that the Crime Lab Stake Holders Committee would be making to the Mayor and to Chief Hurtt for the project leader on the Crime Lab, that the announcement would be made today at 2:00 p.m. at the offices of the Houston Bar Association and he would encourage his colleagues to attend and hear the information. Council Members Goldberg, Wiseman, Holm, Ellis and Quan absent.

Council Member Alvarado stated that she wanted to extend an invitation to her colleagues to come to a townhall meeting that she was hosting in conjunction with Commission Sylvia Garcia, Congressman Gene Green, Representatives Joe Moreno and Melissa Noriega and Senator Mario Gallegos to address the clean air issue that they had in the East End, that the meeting was tonight from 6:00 p.m. to 8:00 p.m. at Milby High School, and Council Member Edwards asked if it was possible to get the States cooperation and stop grandfathering the corporations and Council Member Alvarado stated that one of the plants that had been mentioned in the newspaper article, some of the violations were dismissed because of one of the units being grandfathered, that it was a huge problem in the State, that they would have a representative from the TCEQ, the Chief Toxicologist, they would have representatives from all three of the industries, their representatives would be there, the various plants and also folks from the medical industry and environmental organizations as well. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Quan absent.

Council Member Sekula-Gibbs stated that yesterday was the second anniversary of the Columbia 7 tragedy and it allowed them to pause and give honor to the people who died in that tragedy and Mayor White was present during an unveiling of a memorial in Tranquility Park that represented the lives of the seven astronauts who died, and she asked people to visit the memorial and pay respect to that particular feature of the park, that she wanted to acknowledge the family members who came and thanked them for their visit to the City, that the monument featured a plaque with the crew members name on it and seven blue stars for each member who was lost. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Quan absent.

Council Member Khan stated that he wanted to bring their attention to the horrible crime situation, especially in southwest Houston, that last weekend he noticed patrol officers at the corner of Highway 59 and Hillcroft and Highway 59 and Beechnut and writing a whole bunch of traffic tickets for people not wearing seatbelts and things like that, that it was great, they needed to make sure that all of the traffic laws were implemented but at the same time they saw prostitutes walking the streets in the middle of the day, that it was a serious problem and hoped that HPD would look in other areas of town where the problem was getting from bad to worse, that they were working with the police chief to hold a townhall meeting and would be informing the people about the townhall meeting on crime very soon. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to congratulate Duchesne Academy eighth graders who were participants of National Engineers Week Future City competition, that came in number one in the region and last Saturday was the regional competition, that he wanted to congratulate Ms. Kimi Rafie, Ms. Theresa Sturdivan and Ms. Katherine McKenna who won first place in the competition, that he was inviting them to City Hall so they could be honored by the City Council. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Council Member Khan stated that he wanted to introduce Mr. Benjamin Hernandez, who was a new addition to their staff, that he was pursuing his Bachelors Degree at Rice University, that he had been a tremendous help. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Council Member Quan stated that last weekend they had the dedication of the new Cathedral, the groundbreaking, and it was a great event for the Diocese of Galveston-Houston. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Quan stated that across from the Co-Cathedral lived a homeless

population under the Pierce Elevated and they had been working with the Coalition for the Homeless and the Downtown Association as well as Mid Town Management in trying to devise a plan to relocate these individuals, that yesterday he received a call from one of the radio stations that the Police Department was in the process of issuing citations to these individuals for trespass in that area, that he wanted to work collaboratively on relocating the homeless individuals and they were in the process of putting together a program called the Wet and Cold Program to provide an evaluation for those individuals and proper housing, and to provide tickets for them if they had to go elsewhere, that he thought if they looked at it in an organized manner they could certainly address a long term problem as opposed to a bandage approach of the police rousting the individuals and giving them citations and they had no place else to go, that he hoped they could work together on it. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Quan stated that they had mentioned the cell tower at the HEC Center before, residents had spoken out against it and while he thought they needed to have the cell tower there he thought it could be moved elsewhere on the property so it was not as close to people's homes. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Quan stated that he was pleased that they would be bringing forward the Smoking Ordinance and their committee would be considering it on February 14, 2005, that they wanted to give the public an opportunity to discuss it in a committee meeting so they could well define what they were looking at before it came before City Council, that he looked forward to everyone providing their input. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to thank Council Member Alvarado for taking the initiative on the townhall meeting at Milby High School, that he had also spoken with Council Member Holm and the Quality of Life Committee and the Mayor had mentioned a couple of weeks back about the City Council getting involved in it and thought the discussion was more appropriate in the Quality of Life Committee as opposed to the Housing and Redevelopment Committee, that he believed Council Member Holm was willing to put it on her agenda, and Council Member Alvarado stated that they would have a Special Council Meeting on Monday, February 7, 2005 at 3:00 p.m. and they would have expert witnesses from the State agencies, the industry and other experts to comment on the findings. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Council Member Berry stated that now that they could move past the towing industry, that he had never watched policy made in quite this way and in his opinion it was a very positive thing, there was a problem, traffic congestion, and there was an attempt to find a solution without anyone bringing any preconceived notions to the problem and a number of people came together to work out a policy solution and no matter what anybody said no one was being unjustly enriched or favored over anyone else, that people could agree or disagree on whether they solved the problem or whether they supported it, but as a process he thought that there were a number of things that were commendable. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Berry read a letter from the Chronicle which was from a reader who said that Tuesday she called 311 and reported 2 street signs down in different locations in her neighborhood and to her surprise Wednesday morning she noticed that both signs had been fixed, and they got another letter from a caller who said they called 311 Friday afternoon about 2:30 p.m. and reported a stop sign that needed repair, that they drove by Monday around noon and it was fixed, that the 311 employee was very professional, that for those employees who did a good job he wanted to commend them. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Berry stated that they had a series of Houston Police Officers who had been awarded Master Degrees in Public Administration recently, Ms. Debra Allie, Mr. Mark Clark, Ms. Leslie Wills and Mr. Mike Wills and Mr. Hans Marticiuc, that there were an addition 40 plus HPD officers who had or would be receiving their undergraduate degrees as of December 2004 and January 2005. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Galloway stated that this was Black History Month, that yesterday they had a proclamation for Dr. Thomas Freeman, that there would be a documentary on Dr. Freeman coming out soon. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she wanted to commend Mayor White on the Neighborhood Service initiative that he had created to have a one stop shop, that she thought it was going to be very good for the communities so they could get their needs met and have a person to work with, that she thought it was a good concept. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to acknowledge all the hard work that was done on the SafeClear Program, that he thought it showed from the initial conception of the plan that they knew they had to do something and knew that it would evolve, that the major thing that he thought they got from all of the amendments and comments was that they were willing to make the plan better. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that this week marked the 10<sup>th</sup> anniversary of the founding of African American News and Issues Newspaper, that they all knew Mr. Roy Malonson and all the work that he had done, that they wanted to tip their hats to Mr. Malonson and his whole operation. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that on Tuesday, February 8, 2005, Blue Print Houston would host a reception honoring the retiring and newly appointed members of the Planning Commission and it would be from 6:00 p.m. to 8:00 p.m. at the Ensemble Theater at 3535 Main Street, if they had any questions they could call 713-522-0590. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that Dr. Wolde Michae Akalou, who was a professor at TSU and the head of the Mickey Leeland Center for World Hunger and Peace, was gravely ill so he asked that they keep him and his family in their prayers. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that in celebration of Black History Month their office had taken on the challenge of trying to make Black History more personal and relevant to the City of Houston, that they would be passing out information and wanted to refer to them to part of the history of Mr. Richard Allen who was Houston's first Black elected State Legislator and also one of the first builders of a bridge over Buffalo Bayou and also one of the founders of the Free School Bill which was designed to give all students equal access and the Gregory Institute of Harris County, that each month they would be giving them an outline of something that was general or generic to Black History, that they would invite them to come back to their office, they had memories of Chocolate Bayou, that they were also going to be looking at various parts of the City. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate the Museum of Fine Arts on an excellent exhibition of African Art that was currently going on in the museum, that they could call the museum for information regarding the exhibition. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that one of the reasons that she tagged Item No. 13 was that they had a public health initiative in District D and one of the things they were looking at was trying to get some pilot programs that helped to empower their civic clubs as to what was going on in the community, that they needed to know where people were, that they had very strong health disparities in their communities especially regarding what she thought were manageable preventable situations like Diabetes, Hypertension and Tuberculosis, that she thought could be well served with an aggressive public health initiative program, that they were going to be highlighting and do some pilot programs in the Sunnyside corridor that dealt with communities getting on top of their health issues. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the National Black HIV Awareness Day was Friday, February 4, 2005 and the City would be hosting free HIV testing at the NAACP Facility at 4305 Fannin from 11:30 a.m. to 4:30 p.m., that they were excited to offer the new 20 minute test where they could get tested and in 20 minutes have the results, that the testing was free of charge and there would be counselors there to assist people with their test status. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated their office would like to thank Chief Hurtt and recognize officers Ken Neely and Warren Jones of HPD, that they had been assigned primarily to the District D area to deal with communities on safety and public safety and they had hit the ground running and they were very thankful for that and appreciated them and wanted to let them know that they had District D's support. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that yesterday she received some disturbing news about one of their long standing groups in District I who had been trying to help their community citizens who were challenged with mental health challenges and receiving very little support, that they were going to try to work on it, that one of the founders and facilitators was viciously attacked by one of the constituents who had obvious problems which had been documented and kept going through a revolving door, that they had to get a handle on it and look at some real solutions as to how they handle people who were homeless or mentally challenged and so forth, they had to protect their communities and institutions. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as to Bethel Baptist they were still working with the pastor and congregation and wanted to thank the Mayor for his support. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as to Central City they were still working with them and TMC. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that a CIP meeting for District D would be held on

February 19, 2005 at Judson Robinson Community Center at 10:00 a.m. and a second meeting on Saturday, March 5, 2005 at 10:00 a.m. at Houston Community College at Willie Lee Gay Hall. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they would like to welcome Mr. Damon Mattox to their Flooding and Drainage Committee efforts and appreciated the Mayor helping to make that happen. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that there was going to be a Mardi Gras at El Dorado Ballroom, they were holding a fun raiser for SHAPE Community Center and she would encourage them to come by, it was Friday from 7:00 p.m. to 12:00 a.m. at the historic El Dorado on Elgin. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they wanted to wish Ms. Katlin Murphy, of their office, a Happy Birthday. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:50 p.m. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

---

Anna Russell, City Secretary