

City Council Chamber, City Hall, Tuesday, February 8, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 8, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Gordon Quan, Shelley Sekula-Gibbs, M.D., and Michael Berry; Ms. Connie Acosta, 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 Members Mark Ellis and Ronald C. Green out of the city on city business.

At 1:58 p.m. Mayor White stated that Council would begin presentations and called on Council Member Goldberg who invited those present with La Amistad Love & Learning Academy to the podium and presented Certificates of Recognition to them for their success in expanding education and for their exemplary students. Council Members Lawrence, Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia invited Chris Stevens and his mother to the podium and presented him a Proclamation proclaiming February 8, 2005, as "Chris Stevens Day" in the City of Houston, Texas for his work in getting 50 fire detectors to help others. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Council Member Edwards invited Ms. Bernice Brisco to the podium and stated that it was Black History Month and today they were saluting a living legend and presented Ms. Brisco a Proclamation for all her work and proclaimed February 8, 2005, as "Bernice Brisco Day" in Houston, Texas. Council Members Lawrence and Holm absent.

Council Member Edwards stated that the City of Houston was sister city to Rwanda, Angola in southwest Africa and most of the business they did was centered in Houston; and introduced business managers who were present on a training and education program. Council Member Lawrence absent.

Mayor White introduced the Mayor and City Council of the Mayor's Youth Council and invited them to the podium for pictures. Council Member Lawrence absent.

At 2:26 p.m. Mayor White called the meeting to order and called on Council Member Goldberg who invited Rabbi Pamela Silk of Congregation Emanuel to lead in prayer and Chris Stevens who led all in the pledge.

At 2:30 p.m. the City Secretary called the roll. Council Members Ellis and Green out of the city on city business.

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

Council Member Sekula-Gibbs moved to hear Ms. Pia Joy Cruz, Mr. Bob Mahan and Ms. Sandra Lopez out of order; and Mayor White stated that if there were no objections it was so ordered.

Council Member Garcia moved to add Mr. Moses Villalpanda to the speakers list, seconded by Council Member Khan. Mayor White stated that if there were no objections it was so ordered.

Council Member Edwards stated that she did not know why all TMC speakers were not together; and moved to hear Mr. Ms. Sierra McClain, Mr. Jay Hamburger, Mr. Anthony Love,

Ms. Flossie Lewis and Mr. Nick Cooper out of order; and Mayor White stated that if there were no objections it was so ordered.

Mr. Moses Villalpanda who was previously added to the speakers list appeared and stated that he was present with a problem as he had called the Water Department regarding his bill and they wanted along with his account information his entire social security number and with identity theft being so high it was alarming and he hoped Mayor White would take action against it before something happened. Council Member Galloway absent.

Upon questions by Council Member Garcia, Mr. Villalpanda stated that to verify his account they wanted his entire social security number; and Council Member Garcia stated that a good point was raised and by asking for that information they may be leaving themselves open. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she had been a victim of identity theft and had a concern with that, she wondered if they even needed the entire number as many places asked for the last four numbers to identify; that many business asked for it to identify, but she would like to know the official position of the city. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

Rev. Faraji Talid, 5400 MLK Blvd. #28, Houston, Texas 77021 (832-279-5645) appeared and stated that he was pastor of Shrine of the Black Madonna in the MLK area and he was present regarding the homeless issue; that they would like to ask if any ordinance was considered that it not only be considered for aesthetics but also from a moral prospective; that each week they ministered to them and there was an increased number of young and elderly; that if the city was willing they would like to bring together ministers and programs seeking to help them. Mayor White, Council Members Galloway, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that he to was concerned with the homeless at the Pierce Elevated and Midtown area and they had been working with Coalition for the Homeless to address that population; and upon questions, Minister Talid stated that he was not familiar with all aspects of the program, but his concern was the timeframe such a program could move and they wanted to continue to help them along with being cooperative, if an ordinance did come they wanted to be sure they could work with the city and continue to help them; and Council Member Quan stated that he would be glad to work with them and would meet with him after the meeting. Mayor White, Council Members Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Mayor Pro Tem Alvarado, Council Member Quan stated in giving an update they had met the last nine months on the enumeration and needs assessment of the homeless community and probably have a report in March or April; that the Coalition of the Homeless and organizations that work with the homeless were recently awarded \$18,000,000 to address concerns and they were working now on how to apply the money to the organizations and the Housing Committee would have it on their agenda. Mayor White, Council Members Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Edwards, Rev. Talid stated that they were not a member of Coalition of the Homeless, they were individuals; and Council Member Edwards stated that she would encourage them to become a part of it as they could use their energy. Council Members Galloway, Khan, Holm, Garcia and Berry absent.

Ms. Pia Joy Cruz, 2000 Bagby #5412, Houston, Texas 77002 (832-541-9030) appeared and stated that she lived in Midtown and took pride in a healthy lifestyle, but in a men's fitness magazine there was an article on smoke free cities with Dallas being one; that studies showed a 90% reduction in secondhand smoke had no reduction in business and it was hypocritical to ask

citizens to get active and healthy and yet contribute to the demise of their health. Council Members Galloway, Khan, Holm, Garcia and Berry absent.

Council Member Quan stated that the Neighborhood Housing and Redevelopment Committee would be studying the smoking ordinance Tuesday at 9:00 a.m. and welcomed her input; that 50 restaurants had voluntarily adopted a no smoking policy and it had not affected their business. Council Members Galloway, Edwards, Khan, Holm, Garcia and Berry absent.

Council Member Sekula-Gibbs stated that she was right secondhand smoke did kill, but no one owned the air and no one should have the right to pollute the air and in today's paper even Cuba had taken steps to reduce smoking. Council Members Galloway, Edwards, Holm, Garcia and Berry absent.

Upon questions by Council Member Alvarado, Ms. Cruz stated that she felt there should be a complete ban in restaurants and bars. Council Members Galloway, Edwards, Holm, Garcia and Berry absent.

Mr. Bob Mahan, 6910 La Puente, Houston, Texas (281-561-5065) appeared and stated that he was a real estate broker and president of the Kwanas Club; that he studied secondhand smoke and it was deadly, it was a poisonous gas and killed over 53,000 Americans yearly which was more than drunk drivers and murderers combined; that when going to work at a bar or restaurant it should not be a death sentence; that it was the main function of a governmental body to protect the health, safety and welfare of their constituents; and urged them to go for safe air now. Council Members Galloway and Holm absent.

Council Member Quan stated that he was looking forward to taking this on seriously and thought the time was right and invited Mr. Mahan to attend the meeting Tuesday also. Council Members Galloway and Holm absent.

Council Member Sekula-Gibbs stated that it was important for people to hear that business people were concerned about the indoor air as well as the outdoor air and smoking was the number one pollutant of indoor air and it was time for Houston to step up. Council Members Galloway, Holm and Alvarado absent.

Council Member Berry stated that he appreciated his comments however he had a hundred conversations on this and most with his mindset thought if someone did not think the same they must be a smoker and he was not, but in considering how much government was too much government; and upon questions, Mr. Mahan stated that some restaurant owners who would not go smoke free on their own were hoping the Council would ban all smoking; and Council Member Berry stated that if they thought that was the thing to do they should do it and not want government to do it; and Mr. Mahan stated that government mandated food, water, etc. be safe and they should say air should be safe; and Council Member Berry stated that he did not like smoke, but what about the ones who wanted to go eat and smoke and he would keep an open mind. Council Members Galloway and Holm absent.

Council Member Goldberg stated that he would be happy if the federal government outlawed cigarettes altogether, but he wondered how far was too far; that a city in California banned smoking in someone's own home; and upon questions, Mr. Mahan stated that he was only saying if someone wanted to work at a bar they should be able to do it without breathing deadly air, not saying to go into their homes and seven states were now smoke free. Council Members Galloway, Holm and Garcia absent.

Council Member Khan stated that he agreed smoking was bad, hazardous to your health and no one should be subject to it; that he also believed if someone was working they should not be subjected to it; and upon questions, Mr. Mahan stated that certain public places with a large congregation of people should be smoke free, but if they went too far in asking for

something such as outdoors, etc., they would not get it. Council Members Galloway, Goldberg, Holm, Garcia and Berry absent.

(Note: Council Member Holm advised the City Secretary that she would not be present for the balance of the public session as she had a doctor appointment.)

Council Member Edwards stated that she had a request of the Administration, she did not know if the ordinance was brought to committee, but there was much discussion needed and in San Diego it was banned in parks so it could be done so whatever committee she would like to know; and Mayor White stated that it was scheduled for Tuesday at 10:00 a.m.; and he took their comments to heart. Council Members Galloway, Goldberg, Holm, Garcia and Berry absent.

Council Member Lawrence stated that some Council Members had expressed her concerns, she wanted to remain open but had a major problem with placing another regulation on someone's private property; that if she went inside a smoky restaurant she had the right to leave and she hoped he worked with the restaurant association to come to something; and Mr. Mahan stated that dozens of ordinances were on the books where if someone had something unsafe in their restaurant they would be shutdown and it was the absolute function of government to enact laws to protect the public. Council Members Galloway, Goldberg, Holm, Garcia and Berry absent.

Ms. Sandra Lopez, 2805 Lockett, Houston, Texas 77021 (713-741-0650) appeared and stated that she was a resident of the Central City Subdivision and chair of the Central City Preservation Coalition and today five of them were present stating their opposition to the Texas Medical Center building a garage in the residential neighborhood; that since December they were very active with the help of Council Member Edwards and today they were standing with even a stronger opposition. Mayor White, Council Members Galloway, Goldberg, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she spoke with State Rep. Coleman's office today and they were working on the issue of eminent domain and she wanted to thank him and Rep. Sheila Jackson Lee for joining in their efforts. Mayor White, Council Members Galloway, Goldberg, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Lopez stated that the Texas Medical Center made no concessions; that they gave alternatives, but the TMC was opposed to them all; and Council Member Quan stated that it seemed the law was on their side. Mayor White, Council Members Galloway, Goldberg, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Sierra McClain, 9423 Irby, Houston, Texas 77088 (713-203-7066) had reserved time to speak, but was not present when her name was called. Mayor White, Council Members Galloway, Goldberg, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Jay Hamburger, 1870 State, Houston, Texas 77007 (713-869-0869) appeared and stated that he was present regarding the issue of homelessness and he was hoping whatever action the city took it would be with compassion; that some were under the Pierce, but they took the place of last resort and near service providers; that the reality was when shelter was not provided they took places they found such as the Yates Church which recently burned down supposedly by someone trying to stay warm; and he wondered where the \$15,000,000 received last year for the homeless went. Mayor White, Council Members Galloway, Goldberg, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Flossie Lewis, 6821 Driftwood, Houston, Texas 77021 (713-748-0332) appeared and stated that she was present to thank Council for the zero tolerance on trash, it was working; that her area had 90% less now; and regarding the homeless they were wet and hungry and needed help; and urged something be passed so something could be done for them; that she was willing to help on any committee. Mayor White, Council Members Galloway, Goldberg, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she and Council Member Alvarado appreciated her work and she agreed with her and encouraged her to work with Council Member Quan. Mayor White, Council Members Galloway, Goldberg, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Anthony Love, 1301 Travi #1701, Houston, Texas 77002 (713-739-7514) appeared and stated that he was president and CEO of the Coalition for the Homeless and today he had heard people speak passionately about the homeless and their job was to get those agencies with that passion and fire to collaborate and reach out and give the homeless the chance to exit homelessness if they so chose; that Council Member Quan was working on a plan and they had been meeting for weeks and they wanted to show those under the Pierce they had options, the idea was not to place them in housing but to give them the option for housing and services to maintain it; and he invited all speakers today to work with the Coalition for the Homeless, they met each first Wednesday of the month at the MHRMRA Conference Center 7033 Southwest Freeway. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Garcia thanked Mr. Love for his continued work on the issue; and upon questions, Mr. Love stated that cities like New York, Los Angeles and San Francisco utilized programs such as the Housing First Model with great success and in Los Angeles they had the Cold and Wet Weather Initiative and that was similar to what they hoped to provide to individuals under Pierce and Congress and so forth. Council Members Lawrence, Galloway, Holm and Berry absent.

Upon questions by Council Member Quan, Mr. Love stated that the \$18,000,000 mentioned earlier came from the Department of Housing and Urban Development and they rewarded communities who provided collaborative efforts in the form of a grant and the City of Houston was actively behind the effort they were trying to gear up to approach those under Pierce and other places; and Council Member Quan stated that he wanted to point that out because an RCA would be coming to Council soon for allocation of \$100,000 to address the project and it was money being matched by the community. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Edwards stated that one thing that impressed her was people thought the homeless were being given something and they were taxpayers also and people who voted; and Mr. Love stated that about 30% of the homeless were employed but did not have resources to provide permanent housing. Council Members Lawrence, Galloway, Goldberg, Khan, Holm and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Alvarado, Mr. Love stated that compared to other cities Houston was better than some in terms of contributions to homeless providers but they were not in the top 10 or the top 20. Council Members Lawrence, Galloway, Edwards, Khan, Holm, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Nick Cooper, 8377 Westview, Houston, Texas 77055 (no phone) appeared and stated that 100% of the homeless at Main and Pierce agreed it was a good location to get food, services and employment and 90% agreed police harassment increased and 80% agreed the difficulty in getting into shelters was increased; that location must be a good place for them because they chose to be there; that the civility ordinance was not civil, it was a law that made it

a crime not to have a bed; and would give the rest of his time to Mr. Eric Jordan who was homeless. Mr. Jordan stated that he was in Houston 52 days now and was homeless; that he was harassed by police telling him he needed to move from the Pierce Elevated; that he tried to get steady work and get from there, he was not used to being homeless; that the Salvation Army and Star of Hope was as bad as the concrete; that Mr. Cooper and others were trying to help him and that was why he came to voice his opinion, he was tired of the street and did not want the jail. Council Members Galloway, Holm, Garcia, Sekula-Gibbs and Berry absent.

Council Member Khan stated that he did not know how it felt to be out in the cold and homeless with no where to turn, but he thought every society was failing when people were homeless as most were not by choice and it was not a crime; that he voted against the ordinance not allowing them in the Midtown area, but there were things that could be done and Council Member Quan and his committee were addressing the issue; and Mr. Cooper stated that he knew programs were on the way and would hate to see implementation of moving people around until they were. Mayor White, Council Members Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. C. J. Harrison, 3415 Rosalie, Houston, Texas 77004 (713-739-0769) appeared and stated that he was present to discuss their tenure of giving to organizations both state and federal; that the president just stated there were several cuts in the budget which would be affecting education and human and health services; that they would be announcing they were going to be helping some of the Lone Star participants, that the program was kicked off today at Mt. Sinai Missionary Baptist Church and they would be sending the 501c3 directly to the Mayor for the City of Houston and they wanted to give at least \$200,000 in 501c3s to the Mayor to use in the SafeClear program to help those people who did not have the funds to pay for towing, that the roadways should be clear, so the program would only make the City live better; that as to the homeless there were numerous shelters and churches in Houston and there had to be an alternative to be able to find them jobs and education. Mayor White, Council Members Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Deborah Elaine Allen, 1122 Sol, Houston, Texas 77029 (713-649-8358) appeared and stated that she needed her Section 8 Housing back; that she lost it because of the manager and every time she left the manager came in and stole from her; and continued expressing her personal opinions until her time expired. Mayor White, Council Members Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Kyle Martin, 5502 Vickita, Houston, Texas 77039 (713-339-7840) had reserved time to speak, but was not present when his name was called. Mayor White, Council Members Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Jerry Palmer, 6038 Old Clinton Drive, Houston, Texas 77020 (713-545-0629) had reserved time to speak, but was not present when his name was called. Mayor White, Council Members Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

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 Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Steven Williams, no address (no phone) appeared and stated that Saturday at the Greyhound Bus Station a Black female was being choked by a Houston police officer and they needed to look at the film; that he also wanted to speak with Council Member Garcia and there was no reason to not get a Mexican Mayor; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

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. Mayor White, Council Members Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Doug Ripley, 6459 Creekbend, Houston, Texas 77096 (713-828-7050) had reserved time to speak, but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Thomas Bell, 8413 Canyon, Houston, Texas 77051 (713-291-8442) appeared and stated that he was leaving home to return to the hospital to see his wife and thought his pass for the train was still good, but METRO looked at it and said it was no good and because of Officer M. Cavazos's treatment he asked Officer Brown to call the supervisor and she did, but when he said "sit down or I'll sit you down" and he had been arrested with no charge; that he said he was going to go before Council about the treatment and Officer Brown said Council had nothing to do with METRO; that when Officer Holloway came he said to hook him up; and his time expired. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she would suggest he appear before the METRO board as they had their own governing body and set policy and could address the issue; that Ms. Dillard would give him their contact information. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Charles George, 13704 Garber Lane, Houston, Texas 77015 (281-639-2723) appeared and stated that he was present to address Houston Police Case No. 182356902J, aggravated robbery, after about five appearances to Council it was released to Crime Stoppers who put out a poster, but one did not have the address because the company did not want their name or address associated with an aggravated robbery, but the name and address needed to be on there to get the tip; that HPD would not release the composite he gave to the sketch artist and he was told it had to come from the police. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that maybe only the department knew why and Lieutenant Joe Buttitta was present and would assist him. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Lynn Snow, 6940 Burgess, Houston, Texas 77021 (713-747-5172) appeared and stated that she was present opposing the Texas Medical Center garage to be placed in their neighborhood; that she did believe Council could do something for them such as to give TMC the clear message that even if they did not have legal authority to stop them they disapproved of what they were doing and wanted them to negotiate; that they had identified four different sites for the garage and yet they claimed all were unattainable without providing any solid facts to base their assertion and instead offered concessions such as child safety seats and documentation on the CHIP program; that she was requesting each attend the Planning Commission Meeting Thursday and ask them to deny or defer TMC's application. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Kay Schiller, 2805 Lockett, Houston, Texas 77021 (713-741-0650) appeared and stated that she was a resident of the Central City Subdivision and a member of the Central City Preservation Coalition and they were present asking Council to stand with them in fighting to preserve their and other Houston neighborhoods; that a multi level garage in their residential

neighborhood would bring safety concerns in protecting their citizens, especially Central City children, increase in crime, water drainage problems, increase in traffic, decrease in resale of their homes, decrease in property values, increase in noise pollution and light pollution, destruction of treasured trees and above all the presence that a multi level garage would destroy the precious character of their neighborhood among other things. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Ann Greer, 2944 Payson, Houston, Texas 77021 (281-935-1470) had reserved time to speak, but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Phyllis Snow, 2812 Lockett, Houston, Texas 77021 (713-747-7852) appeared and stated that she was a resident of Central City Subdivision and member of the Central City Preservation Coalition and they were asking Council for help in advocating with City Planning Commission Members for a deferral or denial of the TMC's request to replat lots on Lockett, urging the Texas Medical Center to fully address their concerns in a good faith fashion, urging the Texas Medical Center to allow them to meet with the Dr. Winerti and the Board of Directors to present concerns to decision makers and 4) urging the Texas medical center to hold a dialog with Central City Preservation Coalition and elected officials who had shown support in preserving the community . Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that they had a committee meeting with Mr. Andy Iken from the Medical Center and there were meetings subsequently; that Ms. Schiller indicated they had not taken seriously any alternatives; and Council Member Edwards stated that there had been no serious negotiations; that the Texas Medical Center presented themselves as a government entity claiming eminent domain and so forth and then when people wanted to meet with them they claimed to be a private corporation and did not have to and they could not have it both ways; that she asked for a traffic and air quality study and had not received it as yet; that she understood the position the Planning Commission was in, but she was asking they deny their request for a variance and Rep. Coleman was looking into eminent domain. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Alfred Guajardo, 6929 Burgess, Houston, Texas 77021 (713-748-2094) had reserved time to speak, but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Alfonso Pico, 2905 Lockett, Houston, Texas 77021 (713-747-2259) appeared and stated that he was a resident of the Central City Subdivision and his home was next to where TMC wanted to build the garage; that he had five children and did not want the garage; and asked for Council's help to stop it. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Lee Hood, 6956 Burgess, Houston, Texas 77021 (832-459-3200) had reserved time to speak, but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mrs. Sarah Hood, 6956 Burgess, Houston, Texas 77021 (832-459-3200) had reserved time to speak, but was not present when her name was called. Mayor White, Council Members

Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Donna Smith, 1814 Liggins, Houston, Texas 77012 (713-747-2210) had reserved time to speak, but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Lena James, 1613 Tuam, Houston, Texas 77050 (713-673-4545) had reserved time to speak, but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-77338) 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, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

Mr. Charles X. White, 8607 MLK, Houston, Texas 77048 (713-734-4370) had reserved time to speak, but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 4:21 p.m. City Council recessed until 9:00 a.m., Wednesday, February 9, 2005. Council Members Ellis and Green out of the city on city business. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 9, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, February 9, 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, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 9:27 a.m. Mayor White reconvened the meeting of the City Council. Council Members Galloway, Goldberg, Holm, Garcia, Green and Berry absent.

Council Member Khan moved to suspend the rules to consider Item No. 22 out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm, Garcia, Green and Berry absent. MOTION 2005-0090 ADOPTED.

22. REQUEST from Mayor for confirmation of the appointment of **MS. CATHERINE CLARK MOSBACHER** to Position One and as Chair of the **JOINT CITY/COUNTY COMMISSION ON CHILDREN**, for a term to expire December 31, 2006 – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm, Garcia and Berry absent. MOTION 2005-0091 ADOPTED.

Mayor White stated that they would proceed with the hearings. Council Members Galloway, Goldberg, Holm, Garcia and Berry absent.

HEARINGS - 9:00 A.M.

The City Secretary stated that there were 21 hearings today and Ms. Margaret Wallace of planning would make the introductions and comments on the hearings. Council Members Galloway, Goldberg, Garcia and Berry absent.

1. PUBLIC HEARING on a proposal for the City of Houston and **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 1** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Grand Lakes Municipal Utility District No. 1, in Fort Bend County, Texas – was called. Council Members Galloway, Goldberg, Garcia, Alvarado, Green and Berry absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Grand Lakes Municipal Utility District No. 1**, which was located near the Grand Parkway and FM 1093, the area included in the agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area annexed. Council Members Galloway, Goldberg, Garcia, Alvarado, Green and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Goldberg, Garcia, Alvarado, Green and Berry absent. MOTION 2005-0092 ADOPTED.

2. PUBLIC HEARING on a proposal for the City of Houston and **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 4** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Grand Lakes Municipal Utility District No. 4 and certain territory located in the vicinity of Grand Lakes Municipal Utility District No. 4, in Fort Bend County, Texas – was called. Council Members Galloway, Goldberg, Garcia and Berry absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Grand Lakes Municipal Utility District No. 4**, which was located near the Grand Parkway and FM 1093, the area included in the agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Goldberg, Garcia and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Goldberg, Garcia and Berry absent. MOTION 2005-0093 ADOPTED.

3. PUBLIC HEARING on a proposal for the City of Houston and **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 2** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Grand Lakes Municipal Utility District No. 2, in Fort Bend County, Texas - was called. Council Members Galloway, Goldberg, Garcia and Berry absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Grand Lakes Municipal Utility District No. 2**, which was located near the Grand Parkway and FM 1093, the area included in the agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services to the area annexed. Council Members Galloway, Goldberg, Garcia and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Goldberg, Garcia and Berry absent. MOTION 2005-0094 ADOPTED.

4. PUBLIC HEARING on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Fort Bend County Municipal Utility District No. 35, in Fort Bend County, Texas – was called. Council Members Galloway, Goldberg, Garcia and Berry absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Fort Bend County MUD No. 35**, which was located near the Grand Parkway and FM 1093, the area included in the agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Goldberg, Garcia and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Goldberg, Garcia and Berry absent. MOTION 2005-0095 ADOPTED.

5. PUBLIC HEARING on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Fort Bend County Municipal Utility District No. 50 and certain territory located in the vicinity of Fort Bend County Municipal Utility District No. 50, in Fort Bend County, Texas – was called. Council Members Galloway, Goldberg, Garcia and Berry absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Fort Bend County MUD No. 50**, which was located near the Grand Parkway and FM 1093, the area included in the agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Goldberg, Garcia, Ellis, Quan and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Garcia, Ellis, Quan and Berry absent. MOTION 2005-0096 ADOPTED.

6. PUBLIC HEARING on a proposal for the City of Houston and **CINCO MUNICIPAL UTILITY DISTRICT NO. 12** to enter into a strategic partnership agreement and on a

proposal by the City of Houston to annex for limited purposes certain territory within Cinco Municipal Utility District No. 12 and certain territory located in the vicinity of Cinco Municipal Utility District No. 12, in Fort Bend County, Texas – was called. Council Members Galloway, Goldberg, Garcia, Ellis, Quan and Berry absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Cinco Municipal Utility District No. 12**, which was located near the Grand Parkway and FM 1093, the area included in the agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Goldberg, Garcia, Ellis, Quan and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Garcia, Ellis, Quan and Berry absent. MOTION 2005-0097 ADOPTED.

7. PUBLIC HEARING on a proposal for the City of Houston and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Charterwood Municipal Utility District, in Harris County, Texas – was called. Council Members Galloway, Goldberg, Garcia, Ellis, Quan and Berry absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with Charterwood Municipal Utility District, increasing the land in which they had annexed, it was located at Highway 249 near Louetta, the area included in this agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area to be annexed, including the area in the original Strategic Partnership Agreement. Council Members Galloway, Goldberg, Quan and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Quan and Berry absent. MOTION 2005-0098 ADOPTED.

8. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 276** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 276, in Harris County, Texas – was called. Council Members Galloway, Goldberg, Quan and Berry absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County Municipal Utility District No. 276**, which was located along Highway 6 near Little York., the area included in the agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Goldberg, Quan and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Quan and Berry absent. MOTION 2005-0099 ADOPTED.

9. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 132** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory

within Harris County Municipal Utility District No. 132 and certain territory located in the vicinity of Harris County Municipal Utility District No. 132, in Harris County, Texas – was called. Council Members Galloway, Goldberg, Quan and Berry.

The City Secretary stated that there was one speaker who would be called after the introduction by Ms. Wallace. Council Members Galloway, Goldberg, Quan and Berry.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County Municipal Utility District No. 132**, which was located near Atascocita Road/FM 1960 and West Lake Houston Parkway, the area included in the agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide public services, except it would extend the fireworks ban into the entire area annexed. Council Members Galloway, Goldberg, Quan and Berry absent.

Mr. Christopher Brown, 19014 Droitwich, Atascocita, Texas 77346, appeared and stated that he was present to find out some answers, that there were a lot of questions that he and a lot of the other residents and business owners of Atascocita had regarding the issue because it had been brought on them so suddenly, they had little or no knowledge of it up until a couple of weeks ago when an article appeared in the Humble Observer that mentioned that the City of Houston, in effect, was going to raise their sales tax by 1% without providing any additional services or benefits to the community, that one of his questions was what were the residents of Atascocita going to get out of the Strategic Partnership Agreements. Council Members Goldberg, Garcia, Quan and Berry absent.

Ms. Wallace stated that the specifics of the Strategic Partnership Agreements were that the City would annex commercial properties within the MUD that they would have the Strategic Partnership Agreement with, the City would then be allowed to levy the one cent sales tax on taxable items sold in the area that they had annexed, the agreement calls that they split the proceeds from the one cent sales tax, 50-50 with the MUD, the other stipulations in the contract would be that they would provide the fireworks ban, they would extend the fireworks ban into the area annexed, the other stipulation within the contract was that the City agreed not to annex, for general purposes, the remaining portions of the MUD for 30 years, that at the end of 30 years the City had the right to either annex the entire MUD for general purposes, walk away from the Strategic Partnership Agreement or request the MUD extend the Strategic Partnership Agreement for another period of time, that as far as procedurally the utility district was required, by State Law, to hold two public hearings within the MUD and to make their approval of the Strategic Partnership Agreement public, and they must do it prior to City Council consideration of the Strategic Partnership Agreement. Council Members Goldberg, Garcia, Ellis, Quan and Berry absent.

Upon further questions by Council Members, Mr. Dan Dougherty stated that the MUD itself was required to hold two public hearings in addition to the two public hearings conducted at City Council, the MUD advertises the hearings, conducts the hearings and then the Board of Directors of the MUD takes a vote on the Strategic Partnership Agreement before the City Council was asked to take a vote, that as far as he knew those votes had not taken place. Council Members Goldberg, Garcia, Ellis, Quan and Berry absent.

Mr. Brown asked if the residents of these areas going to be allowed to vote in City elections, and Ms. Wallace stated that the four MUDS that they were talking about, Harris County Municipal Utility Districts Numbers 132, 152, 109 and 153, were primarily residential MUDs, the vast majority of the property in the MUDs was used for residential purposes, that what they were annexing were just the commercial strips within the MUDs, so there were residents who did elect their boards, it was a case of the commercial properties within the major corridors that they were annexing, that the other question that Mr. Brown had about what voting rights did the residents have, if they had included any residential properties in the annexation,

which they had not, they would be able to vote for all offices, District Council Member, a Mayor and Controller for the City of Houston, they had the entire voting right. Council Members Goldberg, Garcia, Ellis, Quan and Berry absent.

Mayor White asked Mr. Brown which of the areas was covered by his residence, and Mr. Brown stated that his residence was covered by MUD 46, which was not being addressed today, but they were in the process of doing the same thing, as he had learned, that his concern was not so much as it being the residence that he lived in but these were the areas where most of his money was spent, where most of his fellow residents of Atascocita money was spent, that even though they did not live there a good number of their tax dollars were going to be going to the City of Houston. Council Members Goldberg, Ellis, Quan and Berry absent.

Upon questions by Council Member Wiseman, Ms. Wallace stated that the City Council would not approve the special purpose annexations before the MUDs had their public meetings, that they were required to hold the two public hearings and a vote on whether or not they wanted to do the Strategic Partnership Agreements prior to it coming back to the City Council in March 2005, and Council Member Wiseman asked if the City Council would be informed as to when and where the hearings would take place, and Ms. Wallace stated that not as a rule but would be happy to provide that information if they would like, and Council Member Wiseman stated that she would like to have that information, Ms. Wallace further stated that the MUD initiated the Strategic Partnership Agreement, it was not the City of Houston initiating any of it, that the MUDs had not advised them of when the public hearings were or when they would take the vote, so they were not certain at this point whether those had indeed happened or not, that she would find out and let Council Member Wiseman's office know, that they did not notify any of the property owners within any of the MUDs it was the MUDs responsibility, and Council Member Wiseman asked if Ms. Wallace could try and get any information as to who the property owners were, and Ms. Wallace stated that she would approach the MUD and ask for an ad valorem tax list for who owned property in the utility district, she was not sure that the list would classify whether it was commercial or residential but she would get the list from all four of the MUDs. Council Members Goldberg, Ellis and Quan absent.

Council Member Sekula-Gibbs asked how did they decide which ordinances would go into the area and which would not, and Ms. Wallace stated that the Strategic Partnership Agreements and the negotiated documents between the utility district and the City of Houston, so it was a combination of the utility district requesting a service and the City of Houston making a determination whether they wanted to provide that service, in this particular instance the utility district did say they wanted the fireworks ban and it was something that they would support and it was something that they certainly felt was appropriate for public safety, that the fireworks ban was something that they would offer as a rule from now on, that she suspected that most utility districts would gladly receive it, that it was not retroactive, that they were not permitted to impose new regulations on the Strategic Partnership Agreements without the other party agreeing, so in order to amend an Strategic Partnership Agreement it took both the utility district and the City of Houston. Council Members Goldberg, Quan and Berry absent.

Upon further discussion Council Member Edwards stated that Mr. Brown might want to inquire as to how his County Commissioner might assist him, that she wanted to make sure that he knew that the MUD people were elected officials. Council Members Goldberg, Khan, Garcia, Quan and Berry absent.

Upon questions by Council Member Wiseman, Ms. Wallace stated that there was no correlation between the Strategic Partnership Agreement and their water rates or ad valorem taxes, and Council Member Wiseman asked if the MUD boards voted to continue to pursue the Strategic Partnership Agreement could City Council, on its own, decide not to, and Ms. Wallace stated that was correct. Council Members Goldberg, Garcia, Quan and Berry absent.

Mr. Brown asked what specific benefits were they going to see, and Ms. Wallace stated

that 50% of the sales taxes would be rebated back to the MUD and they would use it for any services that the State Law allowed them to do, that many MUDs had used it to actually pay off bonds and be able to reduce ad valorem tax rates or water rates, that some of them were using it for the ground water conversion expenses that they were having, therefore it offset expenses for the residents, the revenue went back into the utility district and the MUDs were empowered, by the State of Texas, to use it for an assortment of things. Council Members Galloway, Goldberg, Quan, Green and Berry absent.

After further discussion, Ms. Wallace stated that the 50% that the City of Houston would retain would go into the General Fund and as they had stated earlier the Strategic Partnership Agreement called for no public services to be extended into the area with the exception of the Fire Marshall's fireworks ban, that the ban would be enforced the by the City of Houston Fire Marshall's Office, that they did not know the estimated dollar amount on the total amount of revenue that was going to be generated from the tax from these particular areas, that small areas of estimations were very difficult to do, that they had Strategic Partnership Agreements with MUDs that had similar business mix that she would be happy to go through with Mr. Brown if they could find one that they thought was comparable, that at this point she could not speculate. Council Members Galloway, Goldberg, Holm, Quan, Green and Berry absent.

After further discussion, Ms. Wallace stated that the memo that was sent out from the Mayor's office showed that of the four years that they had been doing the Strategic Partnership Agreements more than \$18 million had gone directly into the MUDs surrounding Houston that that had been part of the agreements. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent.

(Note: Mr. Brown had signed up to speak at the hearings for Harris County Municipal Districts Numbers 152, 109 and 153 also and upon questions by Mayor White, Mr. Brown advised that he wished his comments on No. 132 be reflected to the aforementioned three districts.) Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent. MOTION 2005-0100 ADOPTED.

10. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 152** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 152, in Harris County, Texas – was called. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County Municipal Utility District No. 152**, which was located near Atascocita Road/FM 1960 and West Lake Houston Parkway, the area included in the agreement included commercial property only; there were no residences included in the annexation, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent. MOTION 2005-0101 ADOPTED.

11. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 109 and certain territory located in the vicinity of Harris County Municipal Utility District No. 109, in Harris County, Texas - was called. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County Municipal Utility District No. 109**, which was located at FM 1960 near Timberforest, the area included in the agreement included commercial property only; there were no residences included in the annexation, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent. MOTION 2005-0102 ADOPTED.

12. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 153, in Harris County, Texas - was called. Council Members Galloway, Edwards, Holm, Garcia, Quan and Green absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County Municipal Utility District No. 153**, which was located near Atascocita Road and FM 1960, the area included in the agreement included commercial property only; there were no residences included, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Edwards, Holm, Garcia, Quan and Green absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Edwards, Holm, Garcia, Quan and Green absent. MOTION 2005-0103 ADOPTED.

13. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 120 and certain territory located in the vicinity of Harris County Municipal Utility District No. 120, in Harris County, Texas - was called. Council Members Galloway, Edwards, Holm, Garcia, Quan and Green absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with **Harris County Municipal Utility District No. 120**, which was located at Highway 6 and Westpark, the area included in the agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide public services, except it would extend the fireworks ban into the entire area to be annexed, including the area in the original Strategic Partnership Agreement. Council Members Galloway, Holm, Garcia, Quan and Green absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Holm, Garcia, Quan and

Green absent. MOTION 2005-0104 ADOPTED.

14. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 133** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Water Control And Improvement District No. 133 and certain territory located in the vicinity of Harris County Water Control And Improvement District No. 133, in Harris County, Texas – was called. Council Members Galloway, Holm, Garcia, Quan and Green absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with Harris County Municipal Utility District No. 133, which was located near the Tomball Parkway and Fallbrook, the area included in this agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Holm, Garcia, Quan and Green absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Holm, Garcia, Quan and Green absent. MOTION 2005-0105 ADOPTED.

15. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 186** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 186 and certain territory located in the vicinity of Harris County Municipal Utility District No. 186, in Harris County, Texas – was called. Council Members Galloway, Holm, Garcia, Quan and Green absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County Municipal Utility District No. 186**, which was located near Highway 6 at FM 529, the area included in this agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Holm, Garcia, Quan and Green absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Holm, Garcia, Quan and Green absent. MOTION 2005-0106 ADOPTED.

16. PUBLIC HEARING on a proposal for the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Northwest Harris County Municipal Utility District No. 21, in Harris County, Texas – was called. Council Members Galloway, Holm, Garcia, Quan and Green absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County Municipal Utility District No. 21**, which was located near FM 1960 and Stuebner Airline, the area included in this agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Holm, Garcia, Quan and Green absent.

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

Alvarado. All voting aye. Nays none. Council Members Galloway, Holm, Garcia, Quan and Green absent. MOTION 2005-0107 ADOPTED.

17. PUBLIC HEARING on a proposal for the City of Houston and **FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Fountainhead Municipal Utility District and certain territory located in the vicinity of Fountainhead Municipal Utility District, in Harris County, Texas – was called. Council Members Galloway, Holm, Garcia, Quan and Green absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with **Fountainhead Municipal Utility District**, which was located at FM 1960 and Stuebner Airline, the area in this agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area to be annexed, including the area in the original Strategic Partnership Agreement. Council Members Galloway, Holm, Garcia, Quan and Green absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Holm, Garcia, Quan and Green absent. MOTION 2005-0108 ADOPTED.

18. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Fresh Water Supply District No. 61 and certain territory located in the vicinity of Harris County Fresh Water Supply District No. 61, in Harris County, Texas – was called. Council Members Galloway, Holm, Garcia, Quan and Green absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County Fresh Water Supply District No. 61**, which was located along FM 1960 between Jones Road and Highway 290, the area in this agreement included commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Holm, Garcia, Quan and Green absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Holm, Garcia, Quan and Green absent. MOTION 2005-0109 ADOPTED.

19. PUBLIC HEARING on a proposal for the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 29** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Northwest Harris County Municipal Utility District No. 29, in Harris County, Texas – was called. Council Members Holm, Garcia and Ellis absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Northwest Harris County Municipal Utility District No. 29**, which was located at Highway 290 near FM 1960, the area included in this agreement included in the agreement was for commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Holm, Garcia and Ellis absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm, Garcia and Ellis absent. MOTION 2005-0110 ADOPTED.

20. PUBLIC HEARING on a proposal for the City of Houston and **NORTH PARK PUBLIC UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within North Park Public Utility District, in Harris County, Texas

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **North Park Public District**, which was located at Interstate 45 and FM 1960, the area included in this agreement included in the agreement was for commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Holm, Garcia and Ellis absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm, Garcia and Ellis absent. MOTION 2005-0111 ADOPTED.

21. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Water Control And Improvement District No. 36 and certain territory located in the vicinity of Harris County Water Control and Improvement District No. 36, in Harris County, Texas

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County Water and Improvement District No. 36**, which was located at Interstate 10 near the East Belt, the area included in this agreement included in the agreement was for commercial property only; there were no residences, the City would levy a 1-cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services, but would enforce the fireworks ban on roadways to be annexed that were not part of the MUD. Council Members Holm, Garcia and Ellis absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm, Garcia and Ellis absent. MOTION 2005-0112 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 55 and 56 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm, Garcia and Ellis absent. MOTION 2005-0113 ADOPTED.

55. 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 – (This was Item 13 on Agenda of February 2, 2005, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Members Holm, Garcia and Ellis absent. ORDINANCE 2005-0107 ADOPTED.

Council Member Edwards stated that they had a very encouraging meeting with the staff and management of Central Houston regarding their facility on MLK and they were entering into

a partnership to deal with issues in that area that would be on the ground aggressively with the churches and institutions in that community so that the community was better aware of the services that were offered by them and they could really be true partners in the community. Council Members Holm, Garcia and Ellis absent.

56. 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 – **(This was Item 14 on Agenda of February 2, 2005, TAGGED BY COUNCIL MEMBERS GALLOWAY and KHAN)** – was presented. Council Members Holm, Garcia and Ellis absent.

Council Member Edwards stated that she wanted to offer the following written amendment: "Motion to amend Item #56 on the Agenda of February 9, 2005, proposed ordinance to grant authorization to make application on-line to the Federal Emergency Management Agency as follows:

Deleting the phrase, 'in substantially the form attached hereto and incorporated by this reference' from Section 4 of the Ordinance.", Council Members Holm, Garcia and Ellis absent.

After discussion by Council Members, Council Member Edwards stated that she would strongly suggest that they have a policy by the City that says that the money that were freed up by FEMA Grants were prioritized to underserved and historically underserved communities such as Districts B, I and parts of D. Council Members Holm, Garcia and Ellis absent.

Mayor White stated that he thought it would be very appropriate that the committee on Flooding and Drainage get an overall report and assist the administration in making sure that the priorities of the drainage projects were done on the basis of what he had called objective criteria, where it was needed most and in the overall mix of that if there was a source of funding for some area that was based on economic impact then that needed to be accounted for in what they were doing. Council Member Garcia absent.

After further discussion a vote was called on Council Member Edwards motion to amend Item No. 56. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2005-0114 ADOPTED.

A vote was called on Item No. 56 as amended. All voting aye. Nays none. Council Member Sekula-Gibbs absent. ORDINANCE 2005-0108 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 22 through 51

MISCELLANEOUS - NUMBERS 25 and 26

25. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **PARKGLEN WEST COMMUNITY IMPROVEMENT ASSOCIATION** for law enforcement services of one (1) deputy from Harris County Constable Precinct 5 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2004-0115 ADOPTED.
26. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$27,710.16 to Lone Star Groundwater Conservation District for water user fees

for calendar year 2005 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2004-0116 ADOPTED.

DAMAGES - NUMBERS 29

29. RECOMMENDATION from City Attorney for settlement of lawsuit styled **LUMBERMEN'S UNDERWRITING ALLIANCE, by and through MARCUS RAY JOHNSON v. Teofilo Chacon and City of Houston**; in the 125th Judicial District Court of Harris County, Texas; Cause No. 2003-48400 - \$45,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2004-0117 ADOPTED.

Council Member Edwards stated that she wanted to thank Mr. Dave Peters and Ms. Tamara Jones on Item No. 56, they did an excellent job of drilling it down to a can do and go forward strategy on the issue, that she wanted to thank them for their support and their help. Council Member Sekula-Gibbs absent.

PROPERTY - NUMBERS 32 and 33

32. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KY4-029, located at 1025 State Highway 6 North, owned by The Plazas at Park Ten Ltd., a Texas limited partnership [Vista Equities Group, Inc. (Woody Mann, Jr., President) General Partner] for the **IH-10 AT HIGHWAY 6 WATERLINE EASEMENT PROJECT**, CIP S-0100-02-1 \$55,000.00 - Enterprise Fund - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2004-0118 ADOPTED.
33. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY4-018, located in the 1700 block of South Street, owned by Daisy Jackson, deceased, for the **MYRTLE LIFT STATION PROJECT**, CIP R-0267-60-3 - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2004-0119 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 34 through 40

36. **DIXIE SALES COMPANY** for Photographic Film from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Houston Police Department - \$40,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent. MOTION 2004-0120 ADOPTED.
37. ORDINANCE appropriating \$284,747.15 out of Street & Bridge Consolidated Construction Fund for Barker Cypress Road at Park Row Intersection Improvements for Public Works & Engineering Department, CIP N-0650-15-3; providing funding for Construction Inspection Services and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs absent. ORDINANCE 2004-0109 ADOPTED.
- 37a. **TEXAS-STERLING CONSTRUCTION, L.P.** for Barker Cypress Road at Park Row Intersection Improvements for Department of Public Works & Engineering - \$239,283.00 and contingencies for a total amount not to exceed \$251,247.15 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council

Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs absent.
MOTION 2004-0121 ADOPTED.

38. RECOMMENDATION from Finance & Administration Department for approval of spending authority to address Emergency Repair of the Claremont Storm Sewer Outfall for Department of Public Works & Engineering, awarded to **L. N. MCKEAN, INC** - \$643,865.00 and contingencies for a total amount not to exceed \$676,058.25 - Storm Water Utilities Fund - **DISTRICT G - HOLM** - had been pulled from the Agenda by the Administration, and was not considered. Council Member Sekula-Gibbs absent.

ORDINANCES - NUMBERS 41 through 51

49. ORDINANCE appropriating \$2,094,960.00 out of Water & Sewer System Consolidated Construction Fund, \$837,984.00 out of the Street & Bridge Consolidated Construction Fund, and \$558,656.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding construction contract to **CONRAD CONSTRUCTION CO., INC** for Glendale Avenue and Woodvale Street Sewer Relocation, GFS R-2011-42-3 (WW4763-04); 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 engineering testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2004-0110 ADOPTED.
50. ORDINANCE appropriating \$543,750.00 out of Water & Sewer Contributed Capital Fund, and \$3,502,850.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **RAMOS INDUSTRIES, INC** for Construction of a 24-inch water line along Post Oak Boulevard from Westheimer to IH-610, GFS S-0521-19-3 (WA10758-02); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Water & Sewer Contributed Capital Fund, and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2004-0111 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

23. RECOMMENDATION from Director Houston Airport System for approval of Computer Image for Dedication Plaque for the new International Arrivals Building (FIS Building) at George Bush Intercontinental Airport/Houston; Project No. 500F/536C; CIP A-0091, A-0203, A-0354, A-0372, A-0422 and A-0483 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0122 ADOPTED.
24. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Stella Link Branch Library (New Construction), GFS E-0022-01-3 **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0123 ADOPTED.
27. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **WATER ENVIRONMENT RESEARCH FOUNDATION (WERF)** for 1 Year Utility Subscription Program Fee - \$84,968.00 - Enterprise Fund - was

presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0124 ADOPTED.

DAMAGES

28. RECOMMENDATION from City Attorney for settlement of lawsuit styled **WILLIE BRICE** v. Mark Brown, Houston Police Department and City of Houston; in the County Civil Court at Law No. 3 of Harris County, Texas; Cause No. 808,519 - \$29,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0125 ADOPTED.

ACCEPT WORK

30. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,155,618.00 and acceptance of work on contract with **CONSTRUCTION, LTD** for Construction of Various Wastewater Facilities - 69th Street WWTP, GFS R-0268-41-3 (4807-1) - 04.98% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0126 ADOPTED.
31. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,513,938.00 and acceptance of work on contract with **R. K. WHEATON, INC** for Construction of Water Line Replacement in Meyerland Subdivision, GFS S-0035-65-3 (WA10592) - 00.90% under the original contract amount - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Goldberg stated that the R. K. Wheaton received an outstanding letter for their MWBE, that they exceeded their goal, and Council Member Galloway stated that they really over exceeded, that she wanted to applaud them.

A vote was called on Item No. 31. All voting aye. Nays none. MOTION 2005-0127 ADOPTED.

PURCHASING AND TABULATION OF BIDS

34. **ORTHO PHARMACEUTICAL CORP.** for Contraceptives from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Health & Human Services Department - \$24,624.00 - General/Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Wiseman voting no, balance voting aye. MOTION 2004-0128 ADOPTED.
35. **REGIMED MEDICAL** for Contraceptives from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Health & Human Services Department - \$274,728.10 - General/Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan.

Council Member Khan stated that he wanted to be on record saying that he would always prefer abstinence but this was something which he thought they should all encourage, that contraceptives, he thought, should be promoted, especially to the young people.

A vote was called on Item No. 35. Council Member Wiseman voting no, balance voting aye. MOTION 2004-0129 ADOPTED.

39. **AMEND MOTION #2002-914, 7/31/02, TO EXTEND** expiration date from August 3, 2005 to August 2, 2007, for Automotive, Associated Replacement Parts Contract for Various Departments, awarded to **STAR AUTOMOTIVE WAREHOUSE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0130 ADOPTED.
40. **AMEND MOTION #2002-496, 4/24/02, TO EXTEND** expiration date from April 24, 2005 to April 23, 2006, and **TO INCREASE** spending authority from \$129,186.25 to \$137,947.80, on award to **D. F. SALES** and from \$128,250.00 to \$168,250.00, on award to **STASCO, INC** for Automotive, Lamps and Vehicle Safety Equipment Contract for Various Departments \$48,761.15 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Quan stated that he was amazed at the item, that Mr. Wells had advised that the new price was 158% below the market for the items, that he had it checked and it was confirmed that Mr. Wells had been able to secure such a low price for them, that he found that extremely commendable and wanted to thank the department for their work.

A vote was called on Item No. 40. All voting aye. Nays none. MOTION 2005-0131 ADOPTED.

ORDINANCES

41. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2004-1090 by adding three (3) Police Captain Positions and by deleting two (2) Police Communications Specialist II Positions; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance - was presented.

Council Member Garcia stated that he wanted to submit a written motion to amend Item No. 41 as follows to add a fourth Captain’s position for the formation of a citywide gang intelligence enforcement unit.

“Motion by Council Member Adrian Garcia to Amend Item 41 on the City Council Agenda of February 9, 2005, by amending Exhibit A of the proposed ordinance to read as follows:

Grade IX

42 Police Captain (positions going to oversee City of Houston’s Criminal Street Gang Intelligence and Enforcement Unit)

\$2879.33 (9 year and under)

\$3054.25 (10th – 16th year)

\$3140.04 (17th year and over)”, tagged by Council Members Wiseman and Sekula-Gibbs.

Council Member Garcia stated that he had been fielding a lot of calls from throughout the City, particularly the southwest side of the City, in relation to property and violent crimes and shootings that had been occurring, that the input that he had also gotten from the rank and file was that there was so much occurring within a respective division at the patrol level that they did not get the opportunity to provide the kind of focus that criminal street gang violence and intelligence required, so this particular unit and position would provide leadership and a dedicated focus and would allow them to corral the resources that were already committed but not necessarily focused in the given division, that he had met with Chief Hurtt and he agreed and supported the idea.

Mayor White stated that the record would note that the administration did not oppose the amendment.

Council Member Sekula-Gibbs stated that she had some concerns about the change they were asked to accept and support regarding the Auto Dealers Division of the Police Department and would like to ask Chief Hurtt to give them some explanation about the responsibility for the new captain position and the cost of the shift in personnel, what was happening, was it really because of SafeClear or was it something else, and why were they going to have 20 new motorcycle officers being shifted into it, and was it an expense that was going to be one time or was it going to be the beginning of more, that she had some concerns about that, that she had asked the Chief to give them a detailed list of the projected expenses related to it, not just to the new captains position.

Council Member Khan stated that he wanted to support and commend Council Member Garcia for his amendment of adding a position of captain to oversee the street gang violence, and he appreciated Mayor White agreeing to the position.

Council Member Wiseman stated that she had some concerns, that right now Kingwood was without a captain because the Kingwood captain was on loan to the Crime Lab, that for how long they did not know because they had still not gotten anything definitive and yet they were being asked to create additional captains, that she thought they needed to make sure they had captains assigned to the current captain positions before they started adding additional ones, that the priority should be where they needed them first and then adding on. Council Member Berry absent.

Council Member Alvarado stated that she wanted to commend Council Member Garcia for being proactive, that they had a situation that was escalating and it was not just in the old traditional places where gang activity used to be, it was all over, that she appreciated Council Member Garcia foresight. Council Member Berry absent.

Council Member Goldberg stated that he intended to support Council Member Garcia's amendment and thought it was right on target, that in southwest Houston they had an incredible increase in graffiti and they had one person doing graffiti abatement, Ms. Patricia Harrington, that he had spoken with her and the program they had with the County where the City bought two vans for probationers, who went out and did the graffiti removal, the program was gone, the County had the vans and the City did not have the program anymore and there was no one out there cleaning the graffiti, the agreement they had with Solid Waste where they took the recycled paint and used the paint to cover up the graffiti the program was gone, they had no more free paint available, that he thought they needed to revisit the ordinance regarding graffiti removal and make private businesses remove the graffiti as soon as they saw it, that there was no one out there doing graffiti removal, the sooner they could get some funding towards that the better. Council Member Berry absent.

Council Member Lawrence stated that she too commended Council Member Garcia for the amendment, that she too had not been happy with the cuts made in HPD and the gang task force, that she thought all of the District Council Members had seen that crime rise in their various districts, that they needed to address it and take back their buildings. Council Member Berry absent.

Council Member Galloway stated that she concurred with her colleagues that they needed to have someone in charge of the street gangs because it had gotten out of hand in some areas but had some concerns, that she did not know why that person would have to be a captain, that she did not know where the money was coming from, that she thought they needed to be fiscally sound, after the budget was passed, when they created more positions, that she did not see anywhere in the amendment where the money was coming from, that they coordinate and use other law enforcements, like the constable and police at the various school districts and coordinate a complete effort, that she would like to get that information. Council Member Berry absent.

Council Member Holm stated that she applauded the position but would like to see where the staffing for the position would come from and where the funds would come from. Council Member Berry absent.

Council Member Edwards stated that she would like to request that Council Member Garcia call a special meeting of the Public Safety Committee to talk about the amendment and how it fit in all the questions of the personnel, but more importantly the gang activity, that there were some serious issues and thought they needed to have a full blown discussion and maybe they could have constables and Metro and even HISD police come in, that she appreciated Council Member Garcia's leadership. Council Member Berry absent.

Mayor White stated that the main item was tagged by Council Members Wiseman, Holm and Sekula-Gibbs. Council Member Berry absent.

Council Member Wiseman stated that she had some questions for Chief Hurtt and would like the information in writing, the source of funding for the position for mobility was Fund 204, which was the Auto Dealers Fund, she was curious to know why the funding was not coming from Fund 205, which was the Police Special Services Fund, where the money from the tow truck companies was supposedly going into, that on the RCA they also had listed for source of funding Special Auto Dealers Fund and she did not see anywhere in any of their budget books anything referred to as Special Auto Dealers Fund, it should have a corresponding fund number and she would like to see that information. Council Member Berry absent.

Mayor White stated that he wanted to commend his colleagues on an action that the City Council took unanimously earlier this year when they approved certain amendments to the HPLU Meet and Confer contract, one of the incentives was that they were able to create more flexibility within the Police Budget, but the action that the Council took to make certain actions that discouraged the extent of mass retirements that were projected in the original budget had borne fruit in this fiscal year and had resulted in some additional resources being available, that they would get a full briefing on it, but thought that all Council Members were supportive of that and deserved some credit. Council Member Berry absent.

42. ORDINANCE approving and authorizing professional services contract between the City of Houston and **JUSTEX SYSTEMS, INC** for the Design of an Assessment Center for Police Lieutenants - \$235,807.68 - General Fund – was presented, and tagged by Council Member Wiseman.

Council Member Khan stated that he was in support of having their officers better prepared but wanted to know why it was going to cost \$230,000 for some assessment tests and wanted a briefing and update as to what kind of tests were they talking about. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that they would get that information to him. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that she wanted some more information on the item. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

43. ORDINANCE relating to Health Care Benefits for City Employees, Retirees, Deferred Retirees, Survivors and certain dependents; approving and authorizing various plans and agreements and amendments to plans and agreements regarding Health Care for the aforementioned beneficiaries, approving maximum contract amounts – was presented. Council Member Berry absent.

Council Members Wiseman, Khan and Sekula-Gibbs stated they would tag the item. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she had a written motion to amend Item No. 43 and stated that she would release her tag on the item and Council Members Khan and Wiseman stated that they would also lift their tags on the item. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she wanted to offer the following written motion to amend Item No. 43:

“I move that Agenda Item 43 be amended to include the following:

All Medicare Advantage plan contracts will be included in the City Council Agenda for City Council approval in eight months when the initial term is set to expire and yearly thereafter.”, tagged by Council Members Sekula-Gibbs and Wiseman. Council Member Berry absent.

Council Members Sekula-Gibbs and Wiseman stated that they would tag the main item. Council Member Berry absent.

Council Member Quan stated that he wanted to speak in favor of the amendment, that he appreciated the administration going forward and issuing a new RFP and allowing more companies to apply but the reality was that at this time there were only two companies that qualified in Texas to do this type of insurance, that it was indicated to them that they would entertain more companies as they became qualified, so he thought that the amendment allowed Council to have the opportunity to have a voice in it and thought it was a worthwhile amendment. Council Member Berry absent.

Council Member Khan stated that he had the similar question as last time as to what kind of MWBE participation did the two companies have and did they have contractual agreements with some MWBE firms, had they signed letters of intent or was it just a verbal commitment on their part, that he hoped they could get answers for the MWBE participation, that he would add his tag to the item. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she still had some concerns about the issuing of the contract to Texan Plus and Texas Health Springs, that they had given her a copy of their unaudited financial records for the quarter ending September 2004 and she appreciated that, that they were now owned by a different company than they were in the past, that Texan Plus was now owned by Universal American Financial Corporation and Texas Health Springs was now owned by New Quest, that they had changed ownership again, that these two companies were very small and new in the health care area and were not very stable, that the other issue of the lack of participation of MWBE certified vendors was still a valid one and asked Council Member Galloway if she was able to give them any information regarding the participation of MWBE from her committee and Council Member Galloway stated that she had the information. Council Members Wiseman and Berry absent.

Mayor White stated that for the benefit of all Council Members Ms. Aldridge report in writing, there was an assertion that there was a change of ownership of the two companies, that it had been asserted by a Council Member that there was, if Ms. Aldridge could inform Council Members in writing what the ownership was at the time and what it was now. Council Members Wiseman, Garcia and Berry absent.

Council Member Ellis stated that he would request from Ms. Aldridge that if for some reason they adopted the amendment did it affect the contracts that they were entering into and if it did to explain why and if it did not he would be in favor of the amendment. Council Member Garcia absent.

Council Member Goldberg stated that he would add his tag to the item and asked that someone visit with him. Council Member Garcia absent.

44. ORDINANCE approving and authorizing the purchase of a Boiler and Machinery Insurance Policy from the **CHUBB GROUP OF INSURANCE COMPANIES** through member company, **FEDERAL INSURANCE COMPANY** - \$114,207.00 - Insurance Management Fund – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2005-0112 ADOPTED.
45. ORDINANCE approving and authorizing Communication Equipment License at George Bush Intercontinental Airport/Houston between the City of Houston and **NEXTEL OF TEXAS, INC d/b/a NEXTEL COMMUNICATIONS - DISTRICT B – GALLOWAY** - was presented, and tagged by Council Member Ellis. Council Member Garcia absent.
46. ORDINANCE approving and authorizing Indemnity and Maintenance Agreement between the City and **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** for Right-of-way Improvements, (File No. SB9131-03) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2005-0113 ADOPTED.
47. 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 – was presented, and tagged by Council Member Goldberg.
48. ORDINANCE appropriating \$357,100.00 out of Drainage Improvements Commercial Paper Series F Fund and approving and authorizing contract between the City of Houston and **OTHON, INC** for Crane/Englewood Sewer Improvements Project, GFS M-0210-01-03 (SM5035) **DISTRICT B – GALLOWAY** – was presented.

Council Member Galloway stated that she was excited about the item finally getting on the agenda as it related to flooding in her district and would like to know when the contract for the main work was going out for bid, and Mayor White stated that they would get that information to her. Council Member Garcia absent.

A vote was called on Item No. 48. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2005-0114 ADOPTED.

51. ORDINANCE appropriating \$300,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for On-Call Transportation Engineering Services under an engineering services contract with **BROWN AND GAY ENGINEERS, INC** (approved by Ordinance No. 03-0520); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund, CIP N-0650-10-2 - **DISTRICTS A - LAWRENCE; C - GOLDBERG; F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2005-0115 ADOPTED.

MATTERS HELD - NUMBERS 52 through 58

52. 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 – **(This was Item 6 on Agenda of February 2, 2005, TAGGED BY COUNCIL MEMBERS LAWRENCE, SEKULA-GIBBS and KHAN)** – was presented. All voting aye. Nays none. Council Members Galloway and Garcia absent. ORDINANCE 2005-0116 ADOPTED.

After a lengthy discussion by Council Members, Council Member Sekula-Gibbs asked how much was it going to cost the City, that she wanted to know within 30 days how much it was

costing them to do the background checks and also what the appeal process was costing them.

Mayor White stated that he wanted to thank Council Members Berry and Garcia for giving it a lot of thought and investing significant time at his request when the matter first came to his attention that the ordinance that was empowered did not have the teeth to protect the public while striking a fair balance for those people who had good records and paid their debt to society long ago, that it encompassed far more tow operators than were eligible within the SafeClear and the ones, based on the checks they had done outside of SafeClear, there were more that would be excluded than the original SafeClear pool, that he wanted to thank Council Members for their assistance in unanimously closing the loophole as it was brought to the City Council's attention. Council Member Galloway absent.

After further discussion, Council Member Berry stated that in implementing the program there were other safeguards in addition to background checks, hearing officers and HPD sifting through the tow drivers to make sure that the people who were driving were good drivers, they also had a certificate process, that people needed to know that when they were picked up by a tow driver, the driver called to an HPD officer and the officer makes a record that the tow drive had picked them up, who the driver was, what the time was, so if someone was then going to commit a crime they were going to have every record of it, that they were documenting every phase of the process. Council Member Galloway absent.

Council Member Garcia stated that he was in the back dealing with a couple of Council items and wanted to be on the record as indicating that he was in support of the item; that he was at the East Sunset Heights Civic Meeting talking about this item specifically and he asked folks if this was what they wanted and the reaction was that they wanted their family safe on the freeways or streets at any given time whenever they were dealing with tow truck operators, that this was one of those items that even if the tow truck operators were not paying for their own background checks the City should pay for them, that it was public safety and it was the right thing to do. Council Member Galloway absent.

Mayor White stated that based on the public reaction that he had he wanted their opinion, that as they knew the State removed the power of the City Council to impose requirements concerning criminal records on people for non police ordered tow off of the freeway, that within SafeClear it was taken care of, that currently they were precluded from applying those same types of standards to that situation, was it something that they should ask their Legislators to consider changing it or modifying it or imposing some requirement, and Council Member Garcia stated that he totally agreed with Mayor White, that it made sense to the citizens and it should make sense to the Legislator to give the City that type of authority, that it was the right thing to do, that the tow drivers were an extension of public safety even though they were not officials per se and they needed to make sure they could tell the citizens in all good conscience that they knew who was out there. Council Member Galloway absent.

53. WRITTEN Motion by Council Member Holm to amend the proposed ordinance amending the Code of Ordinances, Houston, Texas, relating to Membership of the Houston Library Board as follows:

"Motion that Item 8 on the Agenda for February 2, 2005, be amended to remove the provision that one membership position may be occupied by a nonresident of the City" – **(TAGGED BY COUNCIL MEMBER HOLM)** – was presented.

Council Member Holm moved to table Item No. 53, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent. MOTION 2005-0132 ADOPTED.

- 53a. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Membership of the Houston Library Board – **(This was Item 8 on Agenda of February 2, 2005, TAGGED BY COUNCIL MEMBER HOLM)** - was presented. All voting aye.

Nays none. Council Member Galloway absent. ORDINANCE 2005-0117 ADOPTED.

54. ORDINANCE adopting a three-year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code – **(This was Item 9 on Agenda of February 2, 2005, TAGGED BY COUNCIL MEMBERS LAWRENCE, WISEMAN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-0118 ADOPTED.
57. 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 – **(This was Item 17 on Agenda of February 2, 2005, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-0119 ADOPTED.
58. 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** – **(This was Item 21 on Agenda of February 2, 2005, This was Item 21 on Agenda of February 2, 2005)** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-0120 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Lawrence stated that she had the tickets she mentioned last week to assist Officer Pinkerton who was shot in both arms, they were having a barbeque on March 4, 2005 and the tickets were \$7 and also a raffle, that she wanted to commend the Fire Department who were participating and supporting officers by turning in an auction item, that there was a lot of support by a lot of good people who worked for the City, if anybody was interested in buying raffle tickets for \$2 or barbeque for \$7 she had them in hand. Council Members Galloway and Wiseman absent.

Council Member Garcia stated that as requested on Monday, February 14, 2005 at 2:30 p.m. they would be holding the Public Safety and Home Land Security Committee meeting to discuss the issue of the captain's position, but also to review the 911 network budget report. Council Members Galloway and Wiseman absent.

Council Member Garcia stated that he wanted to tell the Mayor how well the community had responded to the actions they had taken on SafeClear, that everybody agreed that they needed to have all the necessary tools at the table to keep the City and neighborhoods safe. Council Members Lawrence, Galloway and Wiseman absent.

Council Member Alvarado stated that she wanted to thank Mayor White's office, especially Ms. Elena Marks for putting together the public hearing that they had regarding air pollution and wanted to thank her colleagues who came by the townhall meeting they had, that the issue was crucial to the City and what they did not realize was that Houston's problem causes the State to be in violation of the Clean Air Act and also poses a problem with the State implementation plan, that as they moved forward in the Legislature she hoped that the recommendations that she had given to the Mayor and her colleagues would become a part of the Legislative package and she did look forward to hearing from the administration on their position on the recommendations, that she thought there were some things that they could do at the City,

especially being able to go through civil litigation for the facilities that violated the law and beefing up the support in the Bureau of Air Quality Control. Council Members Lawrence, Galloway, Wiseman and Green absent.

Mayor White stated that as they knew they had been working on it for some time, and because of the Council's attention and because of some visibility in the media the responsiveness within the last two weeks of the TCEQ and the EPA had been a noticeable change, that public opinion did count. Council Members Lawrence, Galloway, Wiseman and Green absent.

Council Member Sekula-Gibbs stated that she wanted to thank the administration, particularly Mr. Milton Wilson for his support in the approval for the funding of South Central Community Health Center, the City's first federally qualified health center, the CDBG funding for their renovations and expansion and the project that they offered. Council Members Lawrence, Galloway, Wiseman and Green absent.

Council Member Sekula-Gibbs stated that there was an event coming up regarding the Buffalo Soldiers on Saturday, that it was an airing of a document called "Invisible Men of Honor", that it would be shown at a local theater and would also be shown on television. Council Members Lawrence, Galloway, Wiseman and Green absent.

Council Member Sekula-Gibbs stated that the National Hospitalized Veterans Day was coming up on Friday at 2:00 p.m. at the VA Hospital and wanted to show her respect for all of the veterans and wished them a speedy recovery. Council Members Lawrence, Galloway, Wiseman and Green absent.

Council Member Khan stated that he wanted to thank Council Member Edwards for the promotion of Black History Month. Council Members Lawrence, Galloway, Wiseman and Green absent.

Council Member Khan stated that he appreciated Council Member Lawrence for organizing the benefit for Officer Pinkerton, that his whole office was supporting it and encouraged everybody to support the benefit for Officer Pinkerton. Council Members Lawrence, Galloway, Wiseman, Alvarado and Green absent.

Council Member Khan stated that he saw a newspaper report about Metro not making the cut list for the transportation fund from the federal government, that he was impressed with Mayor White getting the lobbying team ready for the State House and hoped they made similar efforts with the federal government, whether it was transportation dollars or Home Land Security dollars or fighting the flooding in the City they did need a lot of cooperation from the federal government and their congressional delegation would play a great role, that he was in favor of that effort in that regard. Council Members Lawrence, Galloway, Wiseman, Alvarado and Green absent.

Council Member Khan stated that they were planning a townhall meeting on crime, that he appreciated what Council Member Garcia did in designating a captain for fighting graffiti and gang violence, that they would give them all the information. Council Members Lawrence, Galloway, Wiseman, Alvarado and Green absent.

Council Member Khan stated that he appreciated 22 years of service from State Representative Talmadge Heflin and also wanted to congratulate State Representative Hubert Vo for finally moving beyond the controversy. Council Members Lawrence, Galloway, Wiseman, Garcia, Alvarado and Green absent.

Council Member Quan stated that he wanted to follow up on discussions that happened yesterday where they had a number of homeless people come before Council as well as people

advocating the ban on smoking, that next Tuesday morning in Council Chamber they would be having a public hearing through their committee on the smoking ban as well a grant that would address the homeless situation under the Pierce Elevated, that he would encourage all Council Members to attend, that they would also be talking about SPARKS Parks and an effort to limit contract for deed. Council Members Lawrence, Galloway, Wiseman, Garcia, Alvarado and Green absent.

Council Member Quan stated that today was a special day in the Asian Community as they celebrated the Year of the Rooster, that it began the Lunar New Year, that Mayor White was out on Saturday in southwest Houston as they began some of their celebrations and they would continue celebrating this weekend at the Chinese Community Center and he encouraged each Council Member and the public in general, that it was a free festival from 10:00 a.m. to 4:00 p.m. at 5855 Sovereign Drive. Council Members Lawrence, Galloway, Wiseman, Garcia, Alvarado and Green absent.

Council Member Quan stated that as to Mr. Milton Wilson, he thought that Mayor White really picked a winner in Mr. Wilson, that he received a copy of a letter from SBA last month naming Mr. Wilson as one of their outstanding administrators in the whole Country for the work his office had done in Houston in getting small business loans done, that he was the outstanding administrator in all of the Country, that last night a reception was held for Mr. Wilson. Council Members Lawrence, Galloway, Wiseman, Garcia, Alvarado and Green absent.

Council Member Quan stated that he wanted to add his congratulations to Mr. Vo and the Democratic system in seeing that all votes were properly counted and wished Mr. Vo the very best. Council Members Lawrence, Galloway, Wiseman, Garcia, Alvarado and Green absent.

Council Member Berry stated that he thought they passed a very important ordinance today and to reiterate a point and that was as much as they possibly could to insure the safety, or at least the background checks, of who their tow truck drivers were, in an environment where they also wanted to make sure that they did not judge people too quickly because there were people who could turn their lives around. Council Members Lawrence, Galloway, Wiseman, Alvarado and Green absent.

Council Member Berry stated that he wanted to wish Mr. Frank Michel a Happy Birthday. Council Members Lawrence, Galloway, Wiseman, Alvarado and Green absent.

Council Member Berry stated that Mr. Terrance Fontaine was honored at TSU with the Community Leadership Award and his wife was Best Dressed in Houston. Council Members Lawrence, Galloway, Wiseman, Alvarado and Green absent.

Council Member Goldberg stated that he wanted the administration to provide some information to him, that they had been requested to look at the Parade Ordinance and the permitting of such and come to find out a lot of the parades were used for fund raisers but the City of Houston was picking up the tab for all Fire, EMS and Police costs, the taxpayers were paying for those costs and he would like to know over the past year what amount of money they were talking about because as they went through the Parade Ordinance he thought there would be a lot of changes, that they did intend to have a scheduled committee meeting for parades and special events on February 24, 2005 at 2:00 p.m. in the Council Chamber. Council Members Lawrence, Galloway, Wiseman, Alvarado and Green absent.

Council Member Goldberg stated that regarding permits, he got his gasoline from the same convenience store and the store owner was telling him that the City put so much work on him, that he had forty or fifty permits that he had to pay each year and it was a fulltime job keeping up with which permits were due and which he had to pay, that besides the City, the State and County had a lot of permits and he came up with a relatively good idea, that he would not mind paying for his permit 3 years at a time, that it would eliminate one third of the work over

three years, so if they could look into changing it so that it was a 3 year permit. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Mayor White stated that it was a good suggestion and indicated to Mr. Fontaine that he thought something like that on a permitting process was extremely appropriate, and Council Member Goldberg stated that he thought it ought to be looked into. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Council Member Goldberg stated that when they were trying to acquire the land for Fire Station No. 37 it literally took almost 5 years and they originally had it budgeted in the CIP for \$800,000, that it took so long that eventually it was settled on \$1.5 million, almost twice the cost, just because the value of the property kept going up and the owner died and it had to go through probate, that it was Building Services that was in charge of the project yet real estate acquisition had to go through Public Works, that he would like to see Building Services have control over purchasing the land for their buildings and also disposing of the land, that he did not think they had that control, that he had talked to the Director, Mr. Dadouch and he welcomed a suggestion like that, that Public Works needed to buy real estate for streets but if it came to buildings he thought they ought to do the building acquisition through Building Services. Council Members Lawrence, Galloway, Wiseman, Alvarado, Ellis, Green and Berry absent.

Council Member Goldberg stated that they had their CIP meeting on Monday and he wanted to thank all of the departments that showed up, that Council Member Green was also present and they had a very successful meeting, that they held it at the new Stella Link Library, that the library was the highest in circulation per capita in the whole City, that half of the materials that they had in the library were checked out in the first month, 33,000 articles for that one branch, that it was really popular and they were doing a great job out there. Council Members Lawrence, Galloway, Wiseman, Alvarado, Ellis, Green and Berry absent.

Mayor White stated that on the real estate point, he had invited people in the private sector and he invited people within the relevant departments and the Directors of Public Works and Building Services and they had a lot of hard working City employees, did they have a person who had that career profile, or should they, within the City of Houston, who had the mandate to optimize the value of their real estate portfolio, if they did it was great, if they did not, then how could they buttress that capability. Council Members Lawrence, Galloway, Wiseman, Garcia, Alvarado, Green and Berry absent.

Council Member Edwards stated that she had some very serious concerns about TMC and Central City and stated that she understood that the Legal Department had issued a decision that the deed restrictions of the community were not valid, that she did not know that they could do that and would like to know how that authority was given and why was that analysis given as to the deed restrictions being illegal and Mr. Michel stated that he would look into that, that it did not seem to be within the authority of the Legal Department; and Council Member Edwards stated that she had been told that Planning would probably be issuing their decision to grant the variance, that TMC had to decide what they were going to be, that they say they were a governmental entity and was why they had eminent domain but then when the group asked to meet with their board of directors they told them they were a private company and did not have to do that, that they could not be both; that if the parking garage went up it was going to change dramatically the sheet flow of water in that area, where they were taking land and now putting concrete and she had asked for an analysis and had not gotten it, that she had asked for a traffic study and had not gotten it, that she had asked for a EPA study and she had not gotten it. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was in Sunnyside at 3:00 p.m. on a Sunday afternoon and almost ran over four prostitutes in a residential community that had churches and a dilapidated, crime ridden and infested motel, that they had been trying to get it cleaned up for

10 years, that there was a two block square area with dilapidated homes, where homeowners were not cleaning up stuff that had been there for almost 10 years, that it was in the Colonial, Hondo and Branden streets area, that she would get him the exact addresses; that it was time to make a decision to help the community help themselves. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the handout they handed out today, "Celebrate Black History, Houston Sit-In Movement of 1960-61", talked about the desegregation of City Hall and the lunch counters that were desegregated in City Hall, that it was a very interesting piece and she would appreciate it if they read it; and also a handout on Ms. Lynn Eusan who was the first African American Homecoming Queen at the University of Houston and also the founding students of SHAPE Community Center; that she wanted to thank Building Services for helping them do a quilt display, that the quilts were used as an integral part of the Underground Railroad. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank and congratulate Mr. Wilson as being designated as the number one SBA Agency in the Country. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate HOME CDC in the Sunnyside area, they built 38 homes last year and had on line about 30 more homes to be built, that it was a real example of what they could do when they empowered non profit CDC's to take the opportunity to help rebuild and redevelop their community. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to recognize the Donald Watkins Memorial Foundation and their appreciation of National HIV Awareness Day, that their program Young Men Saving Young Men was a very valuable program that was helping the young men in their area deal with the HIV situation. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that Ms. Sylvia Ayers, a long time activist in the community passed away on January 28, 2005 and she wanted to give their condolences to the family and thank her for her work. Council Members Lawrence, Galloway, Goldberg, Wiseman, 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 11:49 p.m. Council Members Lawrence, Galloway, Goldberg, Wiseman, 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