

City Council Chamber, City Hall, Tuesday, February 15, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 15, 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, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Manager, General Counsel Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office and Ms. Marty Stein, Agenda Director, present.

At 2:02 p.m. Mayor Pro Tem Alvarado stated that Council would begin presentations and called on Council Member Galloway who invited Ms. Margie Phelps to the podium; saluted and commended her and presented her a Proclamation proclaiming Tuesday, February 15, 2005 as "Margie Phelps Day" in Houston, Texas. Mayor White, Council Members Lawrence, Goldberg, Holm, Garcia, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Alvarado invited Ms. Nancy Levicki, president of Dress for Success Day to the podium and stated that they gather suits to help women and she was proud to again lend her support; that Monday, February 21st they would hold another event of gathering suits; and commended the worthwhile endeavors and presented her a Proclamation proclaiming February 15, 2005, as "Dress for Success Day" in the City of Houston, Texas. Council Members Lawrence, Goldberg, Holm, Garcia, Quan, Sekula-Gibbs and Green absent.

Council Member Edwards stated that through Black History Month their office sought to recognize people making history today and invited Mr. Lumumba Seegars to the podium and stated that they were saluting Lumumba Seegars a living legend who contributed outstandingly to his community and presented Mr Seegars a Proclamation which proclaimed February 15, 2005, as "Lumumba Seegars Day" in Houston, Texas. Council Members Garcia and Green absent.

Mayor White stated that he wanted to recognize folks who made the Bayou City Classic the biggest 10K race to be held March 12th; that they wanted it to be the biggest yet and invited the Centipedes to the podium. A spokesperson stated that they were with the Houston Area Road Runners Association and had taken over the Bayou City Classic six years ago with the purpose of raising money for Houston parks; that they were trying to put fun back into it; and were enlisting Council's aid to get the word out. Council Members Holm and Garcia absent.

At 2:25 p.m. Mayor White called the meeting to order and called on Council Member Wiseman who led in the prayer and pledge. Council Members Holm and Garcia absent.

At 2:26 p.m. the City Secretary called the roll. Council Members Holm and Garcia absent.

Council Members Khan and Galloway moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Holm and Garcia absent. MOTION ADOPTED.

Council Member Edwards moved to add Mr. Rudy Sullivan, Rev. Ray Martin, Mr. Jamison Applebee, Mr. Steven Collins and Mr. Brandan Woods to the speakers list, seconded by Council Member Galloway. Mayor White stated that if there were no objections it was so ordered. Council Members Holm and Garcia absent.

Ms. Judy Terry, 7715 Braes Meadow Drive, Houston, Texas 77071 (713-772-6419) appeared and stated that last week Mr. Bob Mahan said there were over 300,000 Houstonians with Asthma and she was the face of one of those; that she suffered secondhand smoke at work even though she was told it was a tobacco free worksite, she was exposed to the smoke when moved to another building; that she finally filed with Americans with Disabilities Act for accommodations which turned out to be an air filter for her worksite and parking at another

building; that Asthma and Emphysema had affected her life and today she worked with a group called Smoke Free Houston. Council Members Galloway, Holm, Garcia and Ellis absent.

Upon questions by Council Member Quan, Ms. Terry stated that she saw the proposed ordinance and it did not address her concerns; that it did not address the workplace or people such as herself; and Council Member Quan stated that he welcomed her input and hopefully the Administration would take that under review as well. Council Members Galloway, Holm and Garcia absent.

Council Member Sekula-Gibbs stated that they had an Ordinance the Mayor brought to them and she hoped to have a smoke free Houston for employees and for people who needed it; and upon questions, Ms. Terry stated that there was no reason for incremental changes, there was no credible dispute that it did effect the quality of life; that other places did it and with a stroke of the pen she did not see why it could not be done tomorrow. Council Members Galloway, Holm and Garcia absent.

Mr. Joseph Walbert, no address (no phone) appeared and stated that all tobacco products were bad and why they could not just ban it he did not understand; that he wished they would just write out a law banning it all. Council Members Galloway and Garcia absent.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-865-3824) appeared and stated that the smoking ordinance was about protecting people but not infringing on their rights; that if they forced a business to give proper notice that patrons could be at risk of secondhand smoke they could decide if they wanted to enter; that he thought they should have a rule of fifteen feet no smoking at bus stops; and he could not understand why city vehicles had cigarette lighters and thought that was a slap in the face toward a "Smoke Free" Houston; that also Council Member Quan was not at his committee meeting yesterday and he and Council Member Edwards were both there. Council Members Lawrence and Galloway absent.

Council Member Quan stated that the meeting was posted for today at 10:00 a.m. and he and the others were there. Council Members Lawrence and Galloway absent.

Ms. Nancy Mercado, 2400 Westheimer, Houston, Texas 77098 (713-305-8268) appeared and stated that she worked as a healthcare educator for a tobacco prevention industry in Harris County and the mission was to reduce tobacco use, decrease exposure to secondhand smoke and decrease disparities in tobacco use; that in reduction the use of education along with public policy changes were needed and the airlines were such an example of social norm brought by legislation. Council Members Galloway and Green absent.

Ms. Margie Messer, 2400 Westheimer, Houston, Texas 77098 (713-528-2404) appeared and stated that she was at the meeting earlier in the morning; that she was a dancer and then hired dancers in Las Vegas when she was diagnosed with COPD which was Chronic Obstructed Pulmonary Disease, bottom line was you could not breathe, that her father along with others she knew had died from it; that she and others were to start a smoke free jazz club on the Riverwalk in San Antonio and had a building under contract and it failed because of 9/11 and people felt others would not travel and that brought her to Houston; that her point was it was difficult to make a living when you had somewhat of a handicap and urged Council to consider passing a no smoking law. Council Members Galloway, Alvarado and Green absent.

Ms. Mariana Lemesoff, 411 Westheimer, Houston, Texas 77006 (713-869-3999) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Alvarado and Green absent.

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

Mr. Oscar Williams, Jr., 12211 Fieldsboro, Houston, Texas 77031 (281-629-1987) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Alvarado and Green absent.

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

Mr. John Shike, 6523 Briar Glade, Houston, Texas 77072 (281-561-8400) appeared and stated that all were celebrating Black History Month and he wanted to salute each and every African American who made this day possible; that he felt it was time part of the streets be named for them such as for Rosa Parks and Barbara Jordan, courageous women who did much in the civil rights movement and for boxing legends Muhammad and George Foreman. Council Members Galloway and Green absent.

Mr. Steven Collins, 3212 Dowling, Houston, Texas 77004 (713-520-1420) appeared and stated that he also thought a street should be named for Rev. Ray Martin who knocked down the champion Ali; that he was a boxing coach at the Progressive Amateur Boxing Association and he was asking that the PABA be given property tax exemptions on three pieces of land currently facing foreclosure through unpaid taxes; that PABA was a certified nonprofit grassroots organization with a priority of growth and expansion and loss of the property they mentioned, which could be used for affordable housing units and rehabilitation centers, and foreclosure would curtail their expansion. Council Members Galloway, Khan and Green absent.

Mr. Rudy Sullivan, 7943 Keendali, Houston, Texas 77036, who was previous added to the speakers list appeared and stated that he wanted to commend Council Member Quan regarding a problem he had on Beechnut Street earlier and his office took care of for him; that today he was present regarding the Progressive Amateur Boxing Association; that over the years they received property from donations and now found that some of those had not received a tax exempt status and were delinquent on taxes and they were now present asking for an abatement or to be forgiven for the taxes so it could be developed into housing; that they were involved with a boxing self discipline program at Jack Yates High School and it had amazing results. Council Members Galloway, Khan, Green and Berry absent.

Upon questions by Council Member Edwards, Mr. Sullivan stated that the property referred to was in southeast Houston, Pernell Street and some on Jenson Drive; that they were working with Harris County to get detail on what was owned now; that in 1976 the PABA received a letter from the City of Houston and the School District exempting the property the organization owned, but in following years they acquired more property and were under the assumption that them being a 501C3 organization any additional property would be exempt also, but learned it was not; that they were then instructed to get the taxing agencies to grant relief; and Council Member Edwards stated that she did not realize they had that authority. Council Members Galloway, Khan and Berry absent.

Council Member Quan thanked Mr. Sullivan for the kind words and stated that he would acknowledge he had wonderful staff and he should always feel free to call upon them when they could assist him. Council Members Galloway, Khan and Berry absent.

Rev. Ray Martin, 3524 Rosewood, Houston, Texas 77004, who was previously added to the speakers list, appeared and stated that he was in agreement with Mr. Collins and Mr. Sullivan and was president of the Third Ward Super Neighborhood Council and he found out that the City of Houston had taken tax delinquent properties and given it to a 501C3 so that gave them the idea to come before Council and they were now asking that whatever they used to implement that they use for the PABA so they could develop also. Council Members Galloway, Khan and Berry absent.

Council Member Quan stated that they would like to work with him and were just now getting the Land Assemblage Redevelopment Authority in place; that they had 14 lots now and thought they would be up to 60 lots in the next few months and were looking to work with nonprofit organizations in the redevelopment of the properties; that if they had a written proposal he would bring it up to the LARA Board and see how to work with them or Housing; that they were not ready at this time to move on their request, but would be glad to put them in the mix; and Rev. Martin stated that there was urgency on this and he hoped something could be worked out before it was auctioned off; and Council Member Quan stated that perhaps the Mayor could speak with Mr. Tinnerman as he was going to tag and delay certain properties. Council Members Galloway, Khan and Berry absent.

Upon questions by Council Member Edwards, Rev. Martin stated that the PABA had nothing going on the properties at this time, but they were wanting to develop it; that it was to go up for Auction March 4th and he would contact her office. Council Members Galloway, Khan, Quan and Berry absent.

Mr. Jamison Applebee, 318 S. Jamison, La Porte, Texas 77571, who was previously added to the speakers list, appeared and stated that he was present on behalf of the PABA who helped other people hold steady jobs and turn their life around; that if the land was taken away it would hurt their chances and he was asking Council to help Mr. Martin retain the properties. Council Members Galloway, Holm, Khan, Quan and Berry absent.

Mr. Brandon Woods, 5233 Willmington, Houston, Texas 77033, who was previously added to the speakers list, appeared and stated that the PABA was more than a boxing association, they were a nonprofit organization and they invested in people, they built responsibility and taught how to be responsible for your actions; that they built character and they stood for more than boxing. Council Members Galloway, Edwards, Holm, Khan, Quan and Berry absent.

Council Member Lawrence thanked Mr. Woods for coming and emphasizing that they took care of more than boxing and she would like Council to have a schedule. Council Members Galloway, Edwards, Holm, Khan, Quan and Berry absent.

Ms. Alicia Washington, 1415 W. Gulf Bank #137, Houston, Texas 77088 (281-931-0149) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Edwards, Holm, Khan, Quan and Berry absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Edwards, Holm, Khan, Quan and Berry absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Edwards, Holm, Khan, Quan and Berry absent.

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4273 (713-203-7738) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Edwards, Holm, Khan, Quan and Berry absent.

Mr. Nick Cooper, 8377 Westview Drive, Houston, Texas (281-289-3569) appeared and stated that he was a drummer with Free Radicals and they played one or two concerts or benefit shows in bars each week and occasionally they could request a smoke free facility, but the option was really not up to them as he could not make choices that his job, his art exposed him to smoke which made him sick; and stated that the proposed ordinance would do nothing to protect him. Council Members Galloway, Edwards, Holm, Khan, Quan and Berry absent.

Council Member Sekula-Gibbs stated that he brought up a valid point that all workers would like a safe place to work, not just some workers and she understood he was asking Council to make a choice for public health and protect not only against smoke stack pollution but cigarette pollution. Council Members Galloway, Edwards, Holm, Khan, Quan and Berry absent.

Ms. Andria Hunt, P. O. Box 631103, Houston, Texas 77063 (713-307-6713) appeared and stated that she was present about three weeks ago regarding SafeClear and it was still not resolved; that her brother paid \$278.00 for two days, her car was towed January 19, 2005, and her brother got it out January 21, 2005, it took two weeks to receive the check and they were told all would be refunded except \$50.00 and he received \$143.00 with a letter stating if he cashed it they were accepting it; and she would like to know what could be done. Council Members Galloway, Holm, Khan, Garcia, Quan and Berry absent.

Mayor White stated that Mr. Cantu would take information; that he wanted him to report back to him on the matter. Council Members Galloway, Holm, Khan, Garcia, Quan and Berry absent.

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. Council Members Lawrence, Galloway, Holm, Khan, Garcia, Quan and Berry absent.

At 3:15 p.m. City Council recessed until 9:00 a.m., Wednesday, February 15, 2005. Council Members Lawrence, Galloway, Holm, Khan, Garcia, Quan and Berry absent.

City Council Chamber, City Hall, Wednesday, February 16, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, February 16, 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; Mr. Jose Soto, Deputy Agenda Director present.

At 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:23 a.m. Mayor White reconvened the meeting of the City Council. Council Members Galloway, Wiseman, Khan, Quan, Green and Berry absent.

Council Member Goldberg moved to suspend the rules to consider Item No. 22 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Wiseman, Khan, Quan, Green and Berry absent. Mayor White stated that if there was no objection it was so ordered by consent.

22. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON READ COMMISSION**:

- Position One - **DR. ABELARDO SAAVEDRA**, appointment
- Position Three - **MR. JOSE CARLOS GONZALEZ**, appointment, for a term to expire 1/1/2008
- Position Four - **MS. SULTANA MANGALJI**, appointment, for a term to expire 1/1/2006
- Position Five - **MR. HARRISON WILLIAMS**, appointment, for a term to expire 1/1/2007
- Position Six - **MR. DAVID KLEIN**, appointment, for a term to expire 1/1/2008
- Position Eight - **MS. MY HANG (SABRINA) NGUYEN**, appointment, for a term

- to expire 1/1/2007
- Position Eleven - **MS. BEATRIZ DE ALVARADO**, reappointment, for a term to expire 1/1/2007
- Position Fourteen - **MS. LINDA CLARKE**, appointment, for a term to expire 1/1/2007
- Position Fifteen - **MS. MARY L. JOHNSON**, reappointment, for a term to expire 1/1/2008
- Position Seventeen - **MS. CHINHUI JUHN**, appointment, for a term to expire 1/1/2007

- was presented, moved by Council Member Goldberg, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Wiseman, Khan, Green and Berry absent. MOTION 2005-0133 ADOPTED.

Mayor White requested that anybody present who was a new member of the Read Commission to please stand and be recognized and thanked them for their efforts. Council Members Galloway, Wiseman, Khan, Green and Berry absent.

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 on the hearings, that no one had reserved time to speak at the hearings. Council Members Galloway, Wiseman, Khan, Green 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, Wiseman, Khan, Green and Berry absent.

Ms. Wallace stated that **Grand Lakes Municipal Utility District No. 1**, was located near the Grand Parkway and FM 1093, the area included in the agreement was for 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 annexed. Council Members Galloway, Wiseman, Khan, Green and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia, Green and Berry absent. MOTION 2005-0134 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 Lawrence, Galloway, Wiseman, Khan, Garcia, Green and Berry absent.

Ms. Wallace stated that **Grand Lakes MUD No. 4**, which was located near the Grand Parkway and FM 1093, the area 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 Lawrence, Galloway, Wiseman, Khan, Garcia, Green and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia, Green and Berry absent. MOTION 2005-0135 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 Lawrence, Galloway, Wiseman, Khan, Garcia, Green and Berry absent.

Ms. Wallace stated that **Grand Lakes MUD No. 2**, which was also located near the Grand Parkway and FM 1093, the area 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 to the area annexed. Council Members Galloway, Khan, Garcia, Green and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Khan, Garcia, Green and Berry absent. MOTION 2005-0136 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, Khan, Garcia, Green and Berry absent.

Ms. Wallace stated that **Fort Bend County MUD No. 35**, which was also located near the Grand Parkway and FM 1093, the area 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 Galloway, Goldberg, Khan, Garcia, Green and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Goldberg, Khan, Garcia, Green and Berry absent. MOTION 2005-0137 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, Khan, Garcia, Green 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 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 Galloway, Goldberg, Khan, Garcia, Green and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Galloway, Goldberg, Khan, Garcia, Green and Berry absent. MOTION 2005-0138 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 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 Galloway, Goldberg, Khan, Garcia, Green and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Khan, Garcia, Green and Berry absent. MOTION 2005-0139 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, Khan, Garcia, Green and Berry absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with **Charterwood Municipal Utility District**, it was located at Highway 249 near Louetta, the area included in this 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, however it would extend the fireworks ban into the entire area to be annexed, including the area of the original Strategic Partnership Agreement. Council Members Galloway, Goldberg, Khan, Garcia, Green and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Goldberg, Khan, Garcia, Green and Berry absent. MOTION 2005-0140 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, Khan, Garcia, Green and Berry absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County Municipal Utility District No. 276**, 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 public services, except it would extend the fireworks ban into the entire area to be annexed. Council Members Galloway, Goldberg, Garcia, Green and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Goldberg, Garcia, Green and Berry absent. MOTION 2005-0141 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, Garcia, Green and Berry.

Ms. Wallace stated that **Harris County MUD No. 132**, was located near Atascocita Road/FM 1960 and West Lake Houston Parkway, the area 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 annexed. Council Members Galloway, Goldberg, Garcia, Green and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Garcia, Green and Berry absent. MOTION 2005-0142 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, Goldberg, Garcia, Green and Berry absent.

Ms. Wallace stated that **Harris County MUD No. 152**, was located near Atascocita Road/FM 1960 and West Lake Houston Parkway, the area included in the agreement was for 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, Goldberg, Garcia, Green and Berry absent.

Council Member Quan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Garcia, Green and Berry absent. MOTION 2005-0143 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, Goldberg, Garcia, Green and Berry absent.

Ms. Wallace stated that **Harris County MUD No. 109**, was located near FM 1960 near Timberforest, the area 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 Galloway, Goldberg, Holm, Quan, Green 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, Holm, Quan, Green and Berry absent. MOTION 2005-0144 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, Goldberg, Holm, Quan, Green and Berry absent.

Ms. Wallace stated that **Harris County MUD No. 153**, which was located near Atascocita Road and FM 1960, the area 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 Galloway, Goldberg, Holm, Quan, Green 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, Holm, Quan and Green absent. MOTION 2005-0145 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, Goldberg, Holm, Quan and Green absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with **Harris County MUD No. 120**, which was located at Highway 6 and Westpark, the area included in the agreement was for commercial property only; there were no residences, the City would levy a 1 percent 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 SPA. Council Members Galloway, Goldberg, Holm, Quan and Green absent.

Council Member Ellis moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm, Quan and Green absent. MOTION 2005-0146 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, Goldberg, Holm, Quan and Green absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County MUD No. 133**, which was located near the Tomball Parkway and Fallbrook, the area included in this agreement was for commercial property only; there were no residences, the City would levy a 1 percent 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, Holm and Green absent.

Council Member Quan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm and Green absent. MOTION 2005-0147 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, Goldberg, Holm and Garcia absent.

Ms. Wallace stated that **Harris County MUD No. 186**, which was located near Highway 6 at FM 529, the area included in this 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 Member Galloway, Goldberg, Holm and Garcia absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm and Garcia absent. MOTION 2005-0148 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, Goldberg, Holm and Garcia absent.

Ms. Wallace stated that **Northwest Harris County MUD No. 21**, was located near FM 1960 and Stuebner Airline, the area included in this agreement was for commercial property only; there were no residences, the City would levy a 1 percent 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, Holm and Garcia absent.

Council Member Alvarado moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm and Garcia absent. MOTION 2005-0149 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, Goldberg, Holm and Garcia 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 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, including the area in the original Strategic Partnership Agreement. Council Members Galloway, Goldberg, Holm, Garcia and Ellis absent.

Council Member Alvarado moved to close the hearing, seconded by Council Member Khan. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm, Garcia and Ellis absent. MOTION 2005-0150 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, Goldberg, Holm, Garcia and Ellis absent.

Ms. Wallace stated that **Harris County Fresh Water Supply District No. 61**, was located along FM 1960 between Jones Road and Highway 290, the area in this agreement was for commercial property only; there were no residences, the City would levy a 1 percent 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, Holm and Garcia absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm and Garcia absent. MOTION 2005-0151 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 Galloway, Goldberg, Holm and Garcia absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Northwest Harris County MUD No. 29**, 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 percent 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, Holm and Garcia absent.

Council Member Khan moved to close the hearing, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Holm, Garcia and Ellis absent. MOTION 2005-0152 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 – was called. Council Members Galloway, Goldberg, Holm and Garcia absent.

Ms. Wallace stated that **North Park Public District**, which was located at Interstate 45 and FM 1960, the area included in this agreement was for in the agreement was for commercial property only; there were no residences, the City would levy a 1 percent 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, Holm and Garcia absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm and Garcia absent. MOTION 2005-0153 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 – was called. Council Members Galloway, Goldberg, Holm and Garcia absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with **Harris County WCID No. 36**, which was located at Interstate 10 near the East Belt, the area included in this agreement was for commercial property only; there were no residences, the City would levy a 1 percent 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 Galloway, Goldberg, Holm and Garcia absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm and Garcia absent. MOTION 2005-0154 ADOPTED.

Mayor White stated that he wanted to make a specific request from the Legal Department, that someone provide him either the statute or the language in the case which would preclude them from having a hearing on all the items and having a report in a succinct manner with respect to the Municipal Utility Districts, etc., and then describe the common terms, holding a hearing on the items and then having a motion to close the hearing that encompassed all the districts and proceed that way in opposed to the way they had been proceeding, which implied that either their time was of no value or that the law required it to be done in this manner, that he would appreciate it if they would give him the statute or case law. Council Members Galloway, Goldberg and Garcia absent.

Council Member Edwards moved to suspend the rules to consider Item Number 55 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Goldberg and Garcia absent. Mayor White stated that if there was no objection it was so ordered by consent.

55. ORDINANCE approving and authorizing contract between the City of Houston and **M. ARTHUR GENSLER, JR. & ASSOCIATES** for Holcombe Square Design Project in the Texas Medical Center - \$120,000.00 - Grant Fund - **DISTRICTS C - GOLDBERG and D – EDWARDS** – was presented.

Council Member Edwards stated that she was going to tag the item based on the conversations that she had over the last three weeks with the Medical Center and their representatives when they refused to have their Board of Directors meet with the community regarding issues of a parking lot being placed in a residential area, the community was told that they were a private not for profit organizations and did not have to respond to open records and/or open meetings type of situations, that put her in the position of saying then why were they sending them federal dollars or having them available for CIP dollars for the Medical Center, if they were going to respond to the community like that then she was really look to see if they needed to be recipients of taxpayer dollars, that she had made the opportunity to meet with the Main Street Coalition to find out how they could do it, that they knew that the Medical

Center was a valuable partner in the community, but they had to be a partner and not a 5,500 pound gorilla, that she was very serious. Council Members Goldberg and Garcia absent.

Mayor White asked Council Member Edwards if she knew if The Medical Center intended to pay ad valorem taxes to contribute to public safety on the particular land, and Council Member Edwards stated that she did not know anything, and Mayor White stated that he thought The Medical Center was created on land that had been granted to the City, Hermann Park, that it was created on property that had been deeded to the City of Houston, that he believed that there were portions, as they had acquired it, that did not pay ad valorem taxes to contribute to public safety, which helped all residents, and he thought that was further in support of what she was expressing, that somebody who shifted some of the tax burden to others had a special duty to be mindful of the neighbors. Council Members Goldberg and Garcia absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 22 through 57

MISCELLANEOUS - NUMBERS 23 through 24

23. RECOMMENDATION from Director Department of Planning & Development for the designation of four residential parking permit areas and related parking regulations in the Super Neighborhoods of University Place, Afton Oaks / River Oaks Area and Neartown - Montrose - **DISTRICTS C - GOLDBERG; D - EDWARDS and G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Garcia absent. MOTION 2005-0155 ADOPTED.
24. RECOMMENDATION from Chief of Police for approval of Injury on Duty status for Police Officer **JULIO BUTRON** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Garcia absent. MOTION 2005-0156 ADOPTED.

PROPERTY - NUMBER 26

26. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Aisha M. Currie of CenterPoint Energy Houston Electric, LLC, for sale to CenterPoint Energy Houston Electric, LLC of a ±634-square-foot aerial easement out of a ±1.0148-acre tract, located at 201 McKee Street, South Side Buffalo Bayou, John Austin Two League Grant, Abstract 1, Parcel SY5-015 - **STAFF APPRAISERS - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent. MOTION 2005-0157 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 28 through 36

28. **AMEND MOTION #2002-535, 5/8/02, TO EXTEND** expiration date from May 8, 2005 to February 11, 2006, and **TO INCREASE** spending authority from \$76,969.60 to \$96,212.00, for Runway and Taxiway Repair Materials Contract Part I, for Houston Airport System, awarded to **INDUSTRIAL POLYMERS, INC** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent. MOTION 2005-0158 ADOPTED.
29. **BLUE MOUNTAIN EQUIPMENT, INC** for Lawn Maintenance Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Parks & Recreation Department - \$41,116.00 -

General and Park Special Revenue Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent. MOTION 2005-0159 ADOPTED.

33. **PITNEY BOWES, INC** for Mail Console Inserter from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$406,464.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent. MOTION 2005-0160 ADOPTED.
34. **AMEND MOTION #2002-669, 6/12/02, TO EXTEND** expiration date from June 13, 2005 to June 12, 2007, for Automotive Glass Contract for Various Departments, awarded to **APPLE GLASS COMPANY, LTD.** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Lawrence stated that she had asked for the specs on Item No. 34, that Apple Glass was a wonderful glass company, but if she brought a \$50 windshield and a \$450 windshield they would look the same and when they put out generic specs on equipment and got good people to install something cheap the first people to hit the windshield it was going to crack, that was the difference, it was all in the tempering oven, so on items like this she would like the specs to be increased a little bit more with what the tempering oven actually did. Council Members Goldberg and Garcia absent.

A vote was called on Item No. 34. All voting aye. Nays none. Council Members Goldberg and Garcia absent. MOTION 2005-0161 ADOPTED.

35. **INTERNATIONAL TRUCKS OF HOUSTON** for Automotive, International Trucks, Gas/Diesel Replacement Parts and Repair Service for Various Departments - \$229,649.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent. MOTION 2005-0162 ADOPTED.
36. **FAIRWAY SUPPLY** - \$249,396.77, **SOUTHERN LOCK & SUPPLY CO.** - \$28,146.00, **BEST ACCESS SYSTEMS** - \$476,600.00 and **IDN ACME, INC** - \$39,092.15 for Padlocks, Door Locks and Associated Hardware for Various Departments - \$793,234.92 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent. MOTION 2005-0163 ADOPTED.

ORDINANCES - NUMBERS 40 through 57

40. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the McCormick Avenue Street right-of-way containing 30,230 square feet of land, more or less, Parcel SY4-043, being located in the Luke Moore Survey, Abstract Number 51, Harris County, Texas, vacating and abandoning Parcel SY4-043 to Perry Homes, a Joint Venture, abutting owner in consideration of owner's payment of \$120,920.00 and other consideration to the City - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2005-0121 ADOPTED.
41. ORDINANCE consenting to the addition of 3.1065 acres of land to **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2005-0122 ADOPTED.

42. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 436** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2005-0123 ADOPTED.
43. ORDINANCE consenting to the addition of 130.181 acres of land to **TRAIL OF THE LAKES MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2005-0124 ADOPTED.
45. ORDINANCE approving and authorizing contract between the City of Houston and **ANDREWS KURTH, L.L.P.**, for Professional Legal Services - \$636,000.00 - Enterprise Fund - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Goldberg absent.
47. ORDINANCE approving and authorizing contract between the City and **BAKER BOTTS L.L.P.** for Professional Legal Services - \$125,000.00 - Police Special Services Fund - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Goldberg absent.
48. ORDINANCE approving and authorizing Professional Energy Management Services Agreement between the City of Houston and **FULCRUM POWER SERVICES, L.P.** for Energy Management Services; providing a maximum contract amount - \$205,000.00 - Central Service Revolving Fund - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Goldberg absent.
54. ORDINANCE approving and authorizing sponsorship agreement between the City of Houston and **CITY PARK HOMEOWNERS ASSOCIATION, INC** for Solid Waste Collection Services 5 Months - \$1,230.00 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2005-0125 ADOPTED.
56. ORDINANCE appropriating \$707,163.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC (PGAL)** for Renovation and addition of Cullen Maintenance Facility, CIP R-0534-01-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2005-0126 ADOPTED.
57. ORDINANCE appropriating \$443,300.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services Contract between the City of Houston and **PTI, INC** for the East Lake Houston Unserved Areas Project Package III, GFS R-0801-09-3 (WW4744-03) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2005-0127 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

25. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,369,578.00 and acceptance of work on contract with **PM CONSTRUCTION AND REHAB, L.P.** for Sanitary Sewer Rehabilitation by

Sliplining and Pipe Bursting Methods; GFS R-0266-P2-3 (4257-30) - 03.54% over the original contract amount - was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Ellis.

PURCHASING AND TABULATION OF BIDS

27. **TEXAS ACCESS CONTROLS** for Door Operators, Automatic Contract for Houston Airport System - \$145,000.00 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$140,650.00 - Enterprise Fund – was presented, and tagged by Council Members Wiseman and Ellis.
30. **AMEND MOTION #2002-760, 6/19/02, TO EXTEND** expiration date from June 19, 2005 to June 18, 2007, for Helicopter Component Overhaul & Exchange Contract for Houston Police Department, awarded to **HELI-TECH, INC** – was presented, and tagged by Council Member Wiseman.
31. **AMEND MOTION #2002-761, 6/19/02, TO EXTEND** expiration date from June 19, 2005 to June 18, 2007, for Helicopter Replacement Parts Contract for Houston Police Department, awarded to **TRIUMPH GEAR SYSTEMS, INC (Formerly ROLLS-ROYCE GEAR SYSTEMS)** – was presented, and tagged by Council Member Wiseman.
32. **HACH COMPANY** for Turbidity Meters for Department of Public Works & Engineering \$141,232.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2005-0164 ADOPTED.

ORDINANCES

37. ORDINANCE reauthorizing the restructuring of certain escrow funds established with proceeds of Combined Utility System First Lien Revenue Refunding Bonds, Series 2004; authorizing the Mayor and the City Controller to approve the terms of the escrow restructuring and certain other matters relating thereto; authorizing the execution and delivery of necessary documents incident thereto; authorizing the redemption of outstanding Escrowed Securities and the purchase of and subscription for new Escrow Securities; authorizing Escrow Verification and Bond Counsel Services; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2005-0128 ADOPTED.
38. ORDINANCE approving and authorizing distribution of the Preliminary Official Statement related to the City of Houston, Texas Taxable General Obligation Bonds, Series 2005; approving or declaring other matters incidental to the issuance and sale of such bonds; making various findings and provisions related thereto; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2005-0129 ADOPTED.
39. ORDINANCE approving and authorizing sale to **SOUTHWESTERN BELL TELEPHONE, L.P.** of a 15-foot-wide Telecommunications Easement in a tract or parcel of land containing 2,384 square feet, more or less, being out of the City of Houston's South Central Police Station Site, located at 2202 Saint Emanuel Street, James S. Holman Survey, A-323, Harris County, Texas, Parcel SY3-012, for and in consideration of the payment by Southwestern Bell Telephone, L.P. of \$22,386.00 to the City of Houston; subject to the terms and conditions of the easement agreement **DISTRICT I – ALVARADO** - was presented, and tagged by Council Member Goldberg. Council Member Galloway absent.
44. ORDINANCE amending Ordinance No. 2003-892 to reallocate to Contract No. FC55317 with the **HOUSTON HOUSING FINANCE CORPORATION**, \$167,000.00 out of the

\$490,000.00 previously appropriated out of Low Income Housing Fund 162 under Contract No. FC55316 with **HOUSING OPPORTUNITIES OF HOUSTON, INC**; amending Ordinance No. 2003-893 to increase the maximum contract amount from \$7,441,600.00 to \$7,608,600.00 – was presented. All voting aye. Nays none. ORDINANCE 2005-0130 ADOPTED.

46. ORDINANCE amending Ordinance No. 1996-0061 to increase the maximum contract amount for Professional Legal Services contract with **MLADENKA-FOWLER, ADAMS & ASSOCIATES (now MLADENKA-FOWLER & ASSOCIATES)** for Litigation relating to the City's Sexually Oriented Business Ordinance - \$10,000.00 - Property and Casualty Fund – was presented, and tagged by Council Member Wiseman.

Council Member Khan stated that he wanted to have somebody give him an update as to what was going on with the SOB (Sexually Oriented Businesses) all over town and how could they put some kind of control on the SOB, especially businesses who were being disguised as legitimate business but had those kind of activities going on.

Mayor White stated that he did not know whether it would be appropriate to have some hearing in a public forum or not but asked Council Member Khan to confer with Council Member Goldberg, who was the Chairman of the Regulatory Affairs Committee, to determine whether there ought to be a public report on the level of enforcement activities or resources for enforcement or constraints, and asked the City Attorney if they had ongoing litigation in that area, and Mr. Michel stated that was correct, that they had been successful through a denial at the U.S. Supreme Court and were in the District Court here on the issue of the distance requirement, that was the sole remaining issue but he would coordinate with the Council Member, that they could enforce all aspects of it except the distance requirement.

Council Member Goldberg stated that they could just have an informative agenda item at the committee meeting.

Council Member Khan stated that he would like to add his tag to the item.

Mayor White asked Mr. Michel what it was that a court had ordered that they could not do under the existing ordinance, and Mr. Michel stated that what the City had done was repeal its existing distance requirement when it amended the ordinance to add the larger distance, that was still being tried, that he thought they could impose a requirement, the old one or something in between, but he would get back with them on that, but he understood what they were saying that there was a need right now to be able to enforce the requirement or at least the new ordinance to the extent that they could and barring an order preventing them from doing that they were going to explore it.

After further discussion by Council Members, Council Members Lawrence and Sekula-Gibbs stated that they would add their tag to the item. Council Member Edwards absent.

Council Member Garcia stated that earlier last year he had gotten several 2 inch thick documents talking about a variety of issues involving the SOBs, a lot of lawsuits and investigations and thought it was germane to the issue and for whatever reason it was somewhere in no mans land so he would like to get some report on whether or not those documents were reviewed by the Police or Legal Departments in regards to a lot of the issues involved in those documents and asked that someone follow up on that as well. Council Member Edwards absent.

Mayor White asked who all was involved in the enforcement of the ordinance and Mr. Michel stated HPD, the FAST Team, Neighborhood Protection and Code Violations were also involved in many of the establishments and Mayor White stated that he would call on Mr. Hall to make sure that there was good coordination between Code Enforcement and Occupancy

Permits and others and their people who were looking at the Sexually Oriented Businesses and that it was tight, that it was good coordination. Council Member Edwards absent.

Council Members Green and Galloway stated that they would add their tag to the item. Council Member Edwards absent.

49. ORDINANCE approving and authorizing second amendment to contract between the City and **REPUBLIC PARKING SYSTEM, INC** for Parking Operations and Management Concession Agreement for Convention & Entertainment Facilities Department; amending Ordinance No. 2001-0222 to increase the maximum contract amount – was presented, and tagged by Council Member Wiseman.
50. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **LION APPAREL** for Fire Fighter Personal Protective Equipment for Houston Fire Department approved and authorized by Ordinance No. 2001-260 – was presented, and tagged by Council Member Garcia.
51. ORDINANCE approving and authorizing contract between the City of Houston and **MOTOROLA, INC** for Radio and Mobile Data Computer Repair Services for the Houston Police and Fire Departments; providing a maximum contract amount - 5 Years - \$1,500,000.00 - General and Asset Forfeiture Funds – was presented. All voting aye. Nays none. ORDINANCE 2005-0131 ADOPTED.
52. ORDINANCE approving and authorizing contract between the City and **ENFORCEMENT TECHNOLOGY, INC** for Electronic Hand-Held Citation Issuance Devices for Municipal Courts Administration Department; providing a maximum contract amount - 2 Years with two one year options - \$205,125.00 - General and Equipment Acquisition Consolidated Fund – was presented. All voting aye. Nays none. ORDINANCE 2005-0132 ADOPTED.
53. ORDINANCE approving and authorizing contract between the City of Houston and **LASON SYSTEMS, INC** for Mail Processing Services for Municipal Courts Administration and Public Works & Engineering Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,188,875.00 - General and Building Inspection Funds – was presented. All voting aye. Nays none. ORDINANCE 2005-0133 ADOPTED.

MATTERS HELD - NUMBERS 58 through 62

58. WRITTEN 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, HOLM and SEKULA-GIBBS) – was presented.

Council Member Sekula-Gibbs stated that she had some concerns about the item and was pleased to meet with members of the Police Department and still had some concerns about the increasing number of Police Officers that were going to be shifted to the SafeClear Program, that she was not quite clear how many were going to be shifted to that program, that she would like to get an accurate number in writing as to just how much it was going to cost and would it be a firm number and was there an end in sight on what the program was going to cost the taxpayers, but on the other hand that was not to say they did not need the other captain in place

and she did have a conversation about the necessity of having the gang captain dedicated to gang intelligence gathering and enforcement, she thought that was appropriate and she applauded Council Member Garcia for suggesting it, and also expressed her concerns on behalf of the constituents of District E and their getting their captain back in Kingwood and she thought that was needed and not addressed in the item and it needed to be addressed quickly.

Council Member Wiseman stated that she very much appreciated Council Member Sekula-Gibbs support with regards to the captain situation in Kingwood, that she had asked for information as to when they would be receiving a captain, that apparently their captain was on loan to the Crime Lab, that was no excuse, there was no captain in Kingwood, that she had asked for information and had not received the information, that she also did not receive information about the special fund that was identified as a source of other funding, they did not provide that information, that she could not support the item when they were referring to a fund that they had yet to identify, that other questions that were asked with respect to funding were not answered.

A vote was called on Item No. 58. Council Member Wiseman voting no, balance voting aye. MOTION 2005-0165 ADOPTED.

Note: It was the interpretation of the City Secretary that Motion 2005-0165 added one Captain position to Exhibit "A" of Item 58A and the information relative to the assignment was informational only as Exhibit "A" does not contain the assignments of the numbers of positions shown, therefore Exhibit "A" was corrected to provide for 42 Captain positions rather than the 41 as originally submitted.

58a. 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 – **(This was Item 41 on Agenda of February 9, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN, HOLM and SEKULA-GIBBS)** – was presented. Council Member Wiseman voting no, balance voting aye. ORDINANCE 2005-0134 ADOPTED AS AMENDED.

Note: Item 58A was corrected to show four (4) Police Captain positions as indicated by the passage of Motion 2005-0165.

59. 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 – **(This was Item 42 on Agenda of February 9, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. ORDINANCE 2005-0135 ADOPTED.

60. WRITTEN Motion by Council Member Sekula-Gibbs as follows:
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 MEMBER SEKULA-GIBBS)** - was presented.

Mayor White stated that the administration did not oppose Item No. 60 and certainly did not oppose passage of Item 60A, and Council Member Sekula-Gibbs asked if he did not oppose bringing the item back on a yearly basis to the full City Council for approval and Mayor White stated that was correct. Council Members Goldberg and Quan absent.

Council Member Sekula-Gibbs stated that she had some handouts that gave further information regarding the history of the two companies that they were basically left with in terms of their choices for offering Medicare Programs for their seniors, the only two companies that

were really eligible to provide managed care opportunities for seniors in the Harris County area were Health Spring and Texan Plus, that she had provided some information for people to verify, that she did have some concerns about those companies and had discussed it in the past. Council Members Goldberg and Quan absent.

Council Member Berry stated that during the budget process they had proposed an amendment that passed for the City to look at joint purchasing and they had not heard back and asked if someone could give them a report on that, that they had asked for the report and someone had given them a cursory two line and it did not work, that it had the merit of Council approving it and had the merit of best practices in some other communities, that he would appreciate a response, and Council Member Ellis stated that for their information there had been a complete analysis done by the Houston Galveston Area Council with regards to what he was speaking about and thought there some cost benefits but there were some hurdles that the City would have to overcome so if he would request it from Mr. Jack Still he would provide that information. Council Member Goldberg absent.

Council Member Khan stated that he would like to acknowledge the cooperation he had from Director Velma Laws and Ms. Stein to get him up to speed, that one of his concerns was how they were working the MWBE concept, that they had seen some sample letters of intent and did not know whether they were actual contracts but when they came back in six months that was one of the things they would be looking at. Council Member Goldberg absent.

Council Member Garcia stated that early on he had talked with Mr. Lonnie Vara, Director, Human Resources, about some type of safeguard for quality assurance and he had not seen it spelled out but assumed that the administration would pursue that commitment to quality assurance, that HR had talked about having some folks on staff to take calls for whatever reason they were not able to access effectively any of the plans or their services and they would provide some level of quality assurance and asked if that was still part of the process, and Mayor White stated yes.

A vote was called on Item No. 60. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2005-0166 ADOPTED.

60a. 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 - **(This was Item 43 on Agenda of February 9, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN, KHAN, SEKULA-GIBBS and GOLDBERG)** - was presented.

Council Member Holm stated that on page 3 of the RCA she wanted clarification, there was listed several companies that would be doing work with the program but would not be part of the MWBE goal so she would move to strike the following names, Sign Shares, Harlan's Barbeque, Courtyard on Saint James, Irma's and Island Snow, seconded by Council Member Alvarado.

After further discussion, Mr. Hall stated that he thought it could be handled by Mayor White requesting the City Secretary to note that the administration agreed that that six Council Member Holm had named were not to be included as MWBE participants in the program, because she was amending the RCA and not the ordinance. (Note: Only five named by Council Member Holm.)

Mayor White stated that they agreed with the point made by Council Member Holm, and to satisfy the concern of Council Member Holm in open public record they instruct the City Secretary to record in the minutes that those names should be deleted from the RCA, if that would be sufficient then the record should so reflect and the City Secretary had been instructed

to delete those names from the RCA and those were not considered as being part of the RCA and as part of the City Council's deliberations on Item No. 60A.

Upon questions by Council Members, Mr. Hall stated that there was a memorandum circulated to Council Members by Ms. Velma Laws and thought it could best be described as promotion, as he understood it Harlan's and Irma's and others provided meals for their senior health fair programs and that kind of thing, that none of them agreed that it was a medical service and they agreed it was not a medical service so they had included as information that they were using the firms but it would not count toward the 10% medical MWBE requirement, that they were paying for it, it was part of their expenditure and process, that the City only paid for medical services, that there were six companies, one of them was a printing company that printed all of their forms and all of that and they agreed that none of those were medical services so they would not count.

After further discussion by Council Members, Mr. Hall stated that there were two MWBE related components to the contract, one was the traditional do business with an certified MWBE firm that provided medical services, maybe even including in some instances services that doctors participated in, but it was not the regular referrals under the networks, that was 10%, that was what those companies were listed for, some of them erroneously, because clearly they did not provide medical services and that was what Council Member Holm had taken out, the other issue they had was lawyers who worked at Vinson and Elkins worked as employees of V&E these physicians were not employees of any of those companies, they ran their offices just like an office and contract with them the way a legal services insurance policy would work, they would refer people and when agreed, rates would be paid for the services provided, that was the big difference, they were not employees, they did not work for the companies and erroneously a minority certified company, in the first couple of years, was given credit for all of the medical payments that were made to them that they transferred to the physicians that they had contract with, many of whom were not minorities, that all they should have gotten credit for was in fact the money that they received for the services they provided which essentially were non medical, they were administrative, they did not treat anybody for anything; that there were companies, that there were letters of intent included in their packets, who provided various services, if they were referred to therapy or services like that and it was a minority company who did that, they could contract and it would count, the other component, which was the bulk of the contract, was what was paid for doctor services, regular physician services, those were done by networks and those doctors were not employees of the networks, they ran their offices and often may have a number of those contracts where they worked in a number of different plans, what they asked them to do was to make certain that services were available to the City employees from a pool of doctors, because ultimately that was who was providing the services, the doctors, that looked like the employee population of the City of Houston, to do that they had them list what they were, either female or male, Hispanic or African American, that they self identified and that list had been provided to Council and in each instance it exceeded 50% of the doctors who would be providing the services in the networks.

Mayor White asked if in the plan administrators, Health Springs and Texan Plus, were there any certified plan administrators that had been certified as Medicare eligible providers who were minority owned, and Mr. Hall stated that there were no certified plan administrators who had been certified, as far as he knew there was one physicians network which was not certified.

After further discussion by Council Members a vote was called on Item No. 60a. Council Members Galloway, Quan and Sekula-Gibbs voting no, balance voting aye. ORDINANCE 2005-0136 ADOPTED AS AMENDED.

61. 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 - (This was Item 45 on Agenda of February 9, 2005, TAGGED BY COUNCIL MEMBER ELLIS)**

– was presented.

Council Member Ellis moved to postpone Item No. 61 for one week, seconded by Council Member Alvarado, and stated that while he was in favor of the item he was taken back by the fact that Nextel of Texas, Inc. had not paid their property taxes, that they had been given a week to pay it and if the City was going to provide government property for them to put up their antenna he would encourage the corporation to go pay their property taxes.

Council Member Garcia stated that it was his understanding that they were under discussions with Nextel as well for the City's cellular services so it may behoof them even more so to resolve the issue.

Mayor White stated that if there were no objections it was so ordered and Item No. 61 was postponed for one week.

62. 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 – (This was Item 47 on Agenda of February 9, 2005, TAGGED BY COUNCIL MEMBER GOLDBERG) – was presented. All voting aye. Nays none. ORDINANCE 2005-0137 ADOPTED.

Items received during the meeting.

45. ORDINANCE approving and authorizing contract between the City of Houston and **ANDREWS KURTH, L.L.P.**, for Professional Legal Services - \$636,000.00 - Enterprise Fund – was presented, and tagged by Council Members Sekula-Gibbs and Wiseman.
47. ORDINANCE approving and authorizing contract between the City and **BAKER BOTTS L.L.P.** for Professional Legal Services - \$125,000.00 - Police Special Services Fund – was presented, and tagged by Council Members Wiseman and Sekula-Gibbs.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Holm stated that last night the Ethel G. and Allen H. Carruth Natural Encounters Building was opened at the Houston Zoo, that it was a project that converted the old mammal building into a real state of the art exhibit where the public really viewed the wildlife in a different from traditional zoo habitat, that it was a true gift to the City; that Mr. Phillip Cannon, who was the President and CEO of the Zoo had retired and Ms. Deborah Cannon had succeeded him, that she really stepped to an exciting challenge and job and was so well qualified. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that she too wanted to congratulate the Zoo on its new exhibit and also all the members of the Zoo Board on their hard work and efforts on expanding the Zoo program. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that she wanted to invite the public to continue to participate in developing the Indoor Smoking Ordinance, they did not know exactly when the ordinance would be posted for consideration. Mayor White and Council Members Galloway and Goldberg absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that one of his friends had a restaurant in Council Member Holm's District and was building another restaurant near downtown and was going through the conception process, that she was in awe that she could go on the internet and check on the status of her permits and the progress, so kudos to the Planning Department that the people were really happy with the changes. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that they wanted to invite everybody on March 28, 2005 at HBU, Houston Baptist University, that they were going to have a townhall meeting on crime and hoped that Council Member Garcia and the At Large Council Members would make a note on their schedule. Council Members Galloway and Berry absent.

Council Member Khan stated that their CIP meeting would be on Monday at Sharpstown Civic Club and would invite all his constituents to come and give their input on infrastructure projects. Council Members Galloway and Berry absent.

Council Member Khan stated that he wanted to thank Mayor White for being part of the Chinese New Year Celebration. Council Members Lawrence, Galloway and Berry absent.

Council Member Quan stated that he wanted to join his colleagues in thanking the Carruth Family for their generous donations to the Houston Zoo and for the new mammal house that was opened last night. Council Members Lawrence, Galloway and Berry absent.

Council Member Quan stated that they had a wonderful turnout for the hearing yesterday on the smoking ban and understood that Mr. Michel was going to be working on a more simplified version of the ordinance and hopefully would get it to the Council Members in the next couple of days, that he thought it was a tremendous outcry by the community. Council Members Lawrence and Galloway absent.

Council Member Quan stated that this weekend they would be celebrating the International Mother Language Day, that there was a celebration this weekend of the diversity that they were as a City, that it would be both at the University of Houston and Texas Southern University, that this year they would be honoring the Bengali Language and the Bangladesh Community was hosting that. Council Members Lawrence and Galloway absent.

Council Member Goldberg stated that they would be holding a Regulatory Affairs Committee meeting regarding parades, regulations and enforcement, on February 24, 2005 at 2:00 p.m., that since last week he found out that the Public Works Department had approved another parade and was wondering if until they sorted it out they can't have a moratorium on handing out parade permits because they were going to be changing the ordinance and if they gave out a permit he did not know if they could revoke the permit, if they met all the requirements, even though they may have changed the ordinance and would like to get Legal advice and administrative help in determining what was going to be the status. Council Members Lawrence and Galloway absent.

Mayor White stated that he would ask Mr. Michel to make sure that a number of people participate and discuss it at the top of the agenda on Tuesday morning and then report back. Council Members Lawrence and Galloway absent.

Council Member Goldberg stated that he had asked for all of the taxpayer money that was going towards police, fire and EMS assistance on the parades, that he did not get it but understood it was coming, but what he did get was the amount of money that Public Works spent on putting on parades, that it was \$700,000 out of the budget, taxpayer money, that went to putting on the parades all year, that he knew a lot of the groups held the parades as fundraisers and he felt that the City may spend more on a parade than they brought in, that he thought it was something that the committee ought to address. Council Members Lawrence and Galloway absent.

Council Member Wiseman stated that in early December there was a heavy storm that caused a considerable amount of debris in the Oak Meadows Subdivision and the residents attempted to quickly gather the debris and put out at curbside for storm debris collection, unfortunately it occurred prior to their scheduled heavy trash collection, that the residents were all ticketed for having their storm debris out for collection, that she had asked the department to provide a report on it, she had sent a memo on December 10, 2004 and had yet to hear a response from the department, so if City

Legal would assist in providing that clarification she would appreciate it. Council Members Lawrence, Galloway and Holm absent.

Council Member Wiseman stated that on February 4, 2005 there was a fatality accident at Beamer and Beltway 8, a 16 year old Dobie student, Ms. Melissa Mata tragically lost her life in the accident, when HPD was called to the scene the dispatcher told the caller that HPD did not respond to accident scenes in that location unless it was a fatality, a Harris County Constable arrived on the scene and was told what dispatch had told the citizen and then he himself then called and was given the same information and after insisting that HPD respond an officer was dispatched and arrived two and a half hours later, a member of the media who was at the scene contacted HPD and was told that it was a dispatch mistake and that HPD should have responded, had they responded it would not have changed the fatality accident, but she was tired of dealing with the situation over and over with dispatch errors and nothing being done to resolve it, that she heard time and again from constables who were frustrated because HPD was dropping the ball and not responding, that she would like to request a full written report on the incident and would expect it soon. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Wiseman stated that she was pleased that they had now opened the road project where they had widened Kingwood Drive, however they had a situation where the contractor opened the roads up on Saturday for use and no signage was placed, they had a situation where people were going from two lanes, one in each direction, to four lanes, two in each direction, and it was a very dangerous situation and the contractor had individuals for a short period standing out there trying to prevent people from driving into the wrong way of traffic, that she was concerned about a severe accident and contacted Public Works and was pleased with the response, that they contacted Mr. Art Kidder who immediately alerted Mr. Richard Dickinson and Mr. Dickenson, on a Saturday afternoon, when and assessed the situation and agreed that it was an extremely dangerous situation and on his own he grabbed all of the proper signage and put them up to prevent any possible accidents and then he contacted her Chief of Staff on Sunday to make sure it was done, that Mr. Kidder and Mr. Dickenson should be highly commended for their efforts, she would, however, like a report from the department on why the contractor was allowed to do that and what did the department intent to do with respect to addressing it to the contractor. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Green stated that yesterday the Mayor's Youth Council met for the first time and he would like to welcome Mr. Eric Graves, who served as the At Large Position 4 Youth Council Member, that he was a sophomore at Bellaire High School, that there were some great kids on the Youth Council and certainly a program that they should all be proud off. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Green stated that recently a matter was brought to his attention by the principal of Reynolds Elementary in Sugar Valley, there was a house next door to the school that was burned but was not cleared and posed a danger to the students traveling along the route, that they called Neighborhood Protection and he wanted to thank Ms. Montecella Flannigan, Chief Lumpkin, Mr. Matt Thibodeaux and Mr. Norris Davis for taking care of it, they had the house torn down in about four or five days and certainly the principal was excited about the fact that it did not pose a danger to her students. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Green stated that next Tuesday, February 22, 2005, TSU would mark Black History Month with a program celebrating 30 years of Gospel Music on KTSU, the theme was KTSU Sings – A Reflection of 30 Years of Gospel Music, that it would be on the steps of City Hall at noon and they were inviting everybody to take part in those festivities. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Edwards stated that District D would hold two CIP meetings, the first was scheduled on Saturday at 10:00 a.m. at the Judson Robinson Community Center and the second would be on Saturday, March 5, 2005 at the Houston Community College, Willie Lee Gay Campus off

Highway 288 and Airport, that they invited all of the residents of District D to attend. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Edwards stated that she wanted to join with Council Member Goldberg in the frustration regarding the parade situation, when she asked on February 7, 2005 if any permits had been given she was told no, she asked further in conversations if Mr. Duncantell need to reapply and she was told no since the insurance part was not a consideration in the application process that they would consider the application he submitted in January, now she was told that the other group had been given the permit and her office was not even notified, they heard about it and called, that she wished the department would call their office when they had a very fragile type of situation that they were trying to work with in the City. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Edwards stated that the issue of Yates High School possibly closing down was a very troubling issue for their community and thought it should be for the City of Houston, that they were not educators but worked with the community quite a bit and would like to work with HISD to see how they could maintain Yates, not as a barely functioning school, but to bring it back to the glory it had before all the trouble started. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Edwards stated that she wanted to commend the Buffalo Soldiers Museum, that they recently received national recognition with the documentary Invisible Men of Honor which had been showing on PBS and they were still looking to provide a viable museum in the Museum District and anybody who would like to work with their office in trying to help them get the funds to do what they had to do she thought was a good quality of life issue. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Edwards stated that the Celebrates Black History handout today talked about the history of Black businesses in the City of Houston and gave a history of what was going on in Third, Fourth and the Fifth Wards, that it was a very interesting dialog and gave them an interesting insight of what African Americans had contributed to the economy to the City of Houston, that it went from 1919 to 1945. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Garcia stated that he wanted to give accolades to Mr. Marcotte, that he spent a great deal of time with him yesterday and wanted to thank him for his participation and involvement with him in resolving some deep rooted community frustrations and concerns. Council Members Lawrence, Galloway, Wiseman, Holm, Green and Berry absent.

Council Member Garcia stated that Council Member Alvarado was being recognized this evening by LULAC as the Hispanic of the Year by Council 402. Council Members Lawrence, Galloway, Wiseman, Holm, Green and Berry absent.

Council Member Garcia stated that he wanted to wish Mr. Victor Gonzales, Mayor's Anti Gang Office, a Happy Birthday. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Green and Berry absent.

Council Member Garcia stated that on Saturday there would be a cleanup for the Conoco Phillips Rodeo Run which would be held in the next couple of weeks, the Northside Community would be doing a cleanup because part of the run would come through the near Northside. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Green and Berry absent.

Council Member Alvarado stated that she wished Mr. Gonzales a Happy Birthday as well. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Green and Berry absent.

Council Member Alvarado stated that she wanted to extend an invitation to her colleagues to join them for the press conference and suit donation for Dress for Success, they talked about it yesterday in public session, that last year they collected almost 300 suits and the suits went to help women go out to job interviews and place them back in the workplace, that Dress for Success had

helped over 10,000 women since they opened, that it was a worthwhile organization and effort, that the press conference was at 11:00 a.m. on the steps of City Hall. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Green and Berry absent.

There being no further business before Council, the City Council adjourned at 11:11 a.m. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Green and Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary