

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 8, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, 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; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office and Ms. Marty Stein, Agenda Director present. Council Member Ada Edwards absent due to being ill.

At 2:00 p.m. Mayor Pro Tem Alvarado stated that Council would begin with presentations and with Council Member Edwards absent she would present the BRAVO Awards and called on Ms. Sheila Johnson with the Municipal Courts, Mr. Michael P. Martinez with HPD and Mr. Troy A. Menard with the Health Department and presented each a BRAVO Award for going above and beyond in their job. Mayor White, Council Members Lawrence, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado invited the Senior Olympic participants, Mr. C. Patrick McIlvain, Mr. Fred L. Shaw and Ms. Barbara Shepherd, to the podium and presented each with Certificates saluting them as Gold Medalists and presented a Proclamation proclaiming March 8, 2005, as "Houston Senior Olympics Day", in the City of Houston. Mayor White, Council Members Lawrence, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg invited the Girl Scouts who were present to the podium and presented a Proclamation to them marking the 93rd anniversary of Girl Scouts USA, saluting and recognizing all participants, extended best wishes and proclaimed March 6, 2005 through March 12, 2005, as "Girl Scout Week", in the City of Houston, Texas. Council Members Lawrence, Wiseman, Garcia and Quan absent.

At 2:23 p.m. Mayor White called the meeting to order and called on Council Member Galloway who led all in the prayer and pledge. Council Members Lawrence and Garcia absent.

At 2:24 p.m. the City Secretary called the roll. Council Member Edwards absent due to being ill. Council Members Lawrence and Garcia absent.

Council Members Khan and Galloway moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Members Lawrence and Garcia absent. MOTION ADOPTED.

Council Member Green moved that the rules be suspended for the purpose of hearing Rev. Bill Lawson, Mr. Dwight Jefferson, Mr. Matt Milner, Ms. Heather Shipman, Ms. Lindsay Botsford, Dr. Alex Prokhorov, Ms. Joan Johnson, Mr. Ramiro Sanchez, Ms. Kristen Jones, Ms. Gloria Minnick and Mr. Art Ensley out of order, seconded by Council Member Khan. Mayor White stated that with no objections it would be done by consent. Council Members Lawrence, Garcia and Alvarado absent.

Mayor White stated that he had attended every public hearing except with conferences with Council Members and on one occasion a meeting with the cabinet secretary and there may be times today because of matters going on in the Legislature with firefighters where he would have to excuse himself and the Mayor Pro Tem would preside, but it was not because of what citizens had to say was not important, but because of deadlines confronting him this afternoon that he would be in and out of this meeting. Council Members Lawrence, Galloway, Garcia and Alvarado absent.

Mayor White asked the City Secretary to read the rules of Council because of the number of speakers today; and the City Secretary stated that in Section 2-2 of the Code of Ordinances under the Rules of Council if the total time requested by speakers was more than 150 minutes each speaker's time would be one minute and when the provisions of that section were invoked the question time for City Council Members was limited to a total of one minute for each speaker collectively and today the time totaled 158 minutes so each speaker would be given one minute. Council Members Lawrence, and Garcia absent.

Council Member Galloway stated that as a point of special privilege she wanted to ask former Council Member Ernest McGowen to stand to be recognized. Council Members Lawrence, and Garcia absent.

At 2:29 p.m. the City Secretary started calling the speakers. Council Members Lawrence, and Garcia absent.

Rev. Bill Lawson, 4042 Glen Cove Drive, Houston, Texas 77021 (713-741-0444) appeared and stated that he was concerned about the rights and welfare of all; and urged a total no smoking ban in Houston; that New York had a great model which proved it did not hurt business. Mayor White, Council Members Lawrence, and Garcia absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Berry, Rev. Lawson stated that he felt some restaurant owners feared if the privilege of smoking was cut out of restaurants and bars it would bring less people, but the New York experience showed business better. Mayor White, Council Members Lawrence, and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that again she wanted to remind everyone of the one minute rule and that meant one minute of discussion by Council collectively. Mayor White, Council Members Lawrence, and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. Dwight Jefferson, 3742 Maroneal, Houston, Texas 77025 (713-993-0399) appeared and stated that he wanted to add support to the no smoking ordinance as it was a health issue and it was the Council's duty to protect the health of people. Mayor White, Council Members Lawrence, and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. Matt Milner, 2701 Revere, Houston, Texas 77098 (713-213-2134) appeared and stated that the smoking ordinance presented by Mayor White was not strong enough in its current state and it was a no-brainer and citizens were urging a full ban not a partial ban, the message was clear. Mayor White, Council Members Lawrence, Galloway and Garcia absent. Mayor Pro Tem Alvarado presiding.

Ms. Heather Shipman, 7000 Seawall Blvd., Galveston, Texas 77551 (409-740-2428) appeared and stated that she was a medical student in Galveston and two years ago they started a petition on a smoking ban in all public places and the response was overwhelming with smokers and nonsmokers; and urged Council pass a no smoking ordinance. Mayor White, Council Members Lawrence, Galloway and Garcia absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that she was informed by numerous Mayors surrounding Houston that if Houston strengthened their smoking ordinance they would do their best to set their standards high and Galveston's Mayor was one of those; that they needed to do what they could and they were working on it, but if they could not do it they needed to put it before the people in a referendum. Mayor White, Council Members Lawrence, Galloway and Garcia absent. Mayor Pro Tem Alvarado presiding.

Ms. Lindsay Botsford, 2204 Bellefontaine, Houston, Texas 77036 (713-666-7069) appeared and stated that she was a medical student at Baylor College of Medicine and a former

restaurant employee and urged Council to see the no smoking as a health issue and not a civil rights issue as ventilation did not help with anything but smell. Mayor White, Council Members Lawrence, Galloway, Garcia and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Ms. Botsford stated that it was one thing to choose not to smoke on you own, but as a restaurant employee you often don't get to choose what section you work. Mayor White, Council Members Lawrence, Wiseman, Garcia and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado asked that the City Secretary read from the Council Rules and she stated that Section 2-2 stated that no person in the Council Chamber should applaud, clap or otherwise audibly express approval or disapproval of actions being taken at the Council table or public speakers podium; and Council would appreciate the audience abiding by the rules. Mayor White, Council Members Lawrence, Wiseman, Garcia and Green absent. Mayor Pro Tem Alvarado presiding.

Dr. Alex Prokhorov, 3522 Chantwood, Pearland, Texas 77584 (713-745-2382) appeared and stated that he was present supporting a comprehensive ordinance to ban smoking in all public places; that studies on secondhand smoke were absolutely clear that people subjected to it had higher incidents of respiratory diseases and cancer than those who were not; and urged the ban. Mayor White, Council Members Lawrence, Wiseman, Holm, Garcia and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Dr. Prokhorov stated that studies were very clear and scientifically valid and if they postponed to do more studies people during that time would be exposed and unfortunately get diseases, there was enough evidence now to ban smoking in all public places. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Joan Johnson, 6615 Westpoint, Houston, Texas 77005 (713-223-9595) appeared, presented information and stated that she was president of the Hotel and Motel Association of Houston and they asked that Council support the partial ban and believed it gave everyone a choice, but they believed a total ban would impact their ability to book conventions; that Dallas had a total ban and it had affected their convention business. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that he was just with the vice president of Aramark and he said smoking was not an issue any convention looked at and heard it was the tobacco and alcohol industry were the two lost conventions; and upon questions, Ms. Johnson stated that she was not aware of which conventions. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Kristen Jones, 3214 Ferndale, Houston, Texas 77098 (713-529-1230) appeared, presented information and stated that photographs on the first page of her handout were not taken during a tropical storm but instead after a heavy rain; that water went to the foundation of many homes with some flooding; that she had care providers and many were unable to leave if they reached her home because during heavy rains her neighborhood was cut off from the other areas and they were asking for the city to bring solutions. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Council Member Goldberg stated that they were attempting to leverage city dollars with Upper Kirby TIRZ dollars, the problem was it was a

bowl shape and all water from surrounding areas collected there; that storm drains were cleaned but they were not adequate size and they were hoping to find a solution. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Gloria Minnick, 3202 Sackett, Houston, Texas 77098 (713-942-9135) appeared and stated that she lived in the neighborhood bounded by Lake, Bammel Lane, West Alabama and Colquitt; that the City of Houston directed Thompson to find solutions to drainage to meet the City of Houston's requirements, however, the engineering draft did not take into account various other factors. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Ms. Minnick stated that one thing they requested was for the city to establish where the storm sewer easement existed and if there were no buildings on it they did not need the condemnation process to go forward spending taxpayer dollars. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Linda Ensley, 550 Post Oak Blvd #540, Houston, Texas 77027 (713-622-7332) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Art Ensley, 3311 Sackett, Houston, Texas 77098 (713-528-5577) appeared and stated that the easements which existed would be more appropriate handling their water drainage situation and he urged Council to consider that rather than the planned re-easement and taking out existing structures; that every time they heard rains coming they moved cars, etc. and temporarily abandoned their house for all practical purposes. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that the problem was systematic of the whole area; that they had now subdivided lots for two homes and they had no backyard where water used to stand and now it ran off to the lower spot where they lived, so there was more concrete and less places to absorb water and it would take billions of dollars to get the storm drainage adequate. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. William Ritchie, P. O. Box 540092, Houston, Texas 77254 (832-754-0166) appeared and stated that he was general manager of Ziggy's Healthy Grill on West Alabama and they declared themselves a full nonsmoking facility earlier in the year and it included the bar; and they were for fully outlawing smoking in bars and restaurants. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Quan, Mr. Ritchie stated that they had experienced no loss in sales and had happier employees and actually saved money with less to maintain; that he felt people were resistant because of the transition period, but felt Council should have no transition period, they should either do it or not do it. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Ramiro Sanchez, 5724 Chimney Rock, Houston, Texas 77081 (713-218-7300) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Dr. William F. Miller, 1661 Tanglewood Blvd., Houston, Texas (713-222-8100) appeared

and stated that he was Captain in the United States Navy Medical Corps and had retired last year from active duty recently returning to Houston; that during his Navy career he witnessed several reforms in the smoking policy with ships, aircraft and naval air station clubs and restaurants and there was always great pride when smoking was halted, especially in bars, with leaders hailed for their foresight in quality of life for their sailors and even former smokers grew to appreciate the policies as they helped them to quit and he was one of those. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Dr. Miller stated that he voted for saving lives and merchants of addictions had a huge advantage over the rest; that banning smoking gave others a chance to do without when they were trying instead of saying they would just have one for now and stop later. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John Zotos, 300 Main, Houston, Texas 77002 (713-227-0511) appeared, presented information and stated that he was present asking that the Mayor's partial ban on smoking be supported; that he was vice chairman of the Downtown Entertainment District Alliance and they were against government mandates of social behavior though for what the population needed; that in Dallas when the smoking ban came they lost 15% of their sales and the Health Department now had to be accompanied by a police officer. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Zotos stated that freedom of choice was different than civil rights and he felt all had the right to make a choice; that he would suggest zoning. Mayor White, Council Members Lawrence, Galloway, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Randy Kratz, 2305 Crawford, Houston, Texas 77004 (281-685-2213) appeared and stated that in addressing whether it hurt business New York and San Diego restaurants he asked the question and they said that now without smoking people stayed around longer and ate and drank more and smokers still smoked outside so their freedom of choice was still there and he hoped if other cities had the courage to make it work Houston would also. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Richard Leal, 7314 Nordling, Houston, Texas 77076 (713-694-5138) appeared and stated that with regards to freedom of choice they did have a choice to go to a restaurant or not but thought they should be alerted so they could make the choice intelligently and since he did not think there were enough courageous Council Members to override he would recommend when the proposal was voted on that as an amendment they have restaurants that were allowing bars to still smoke to have signs by the entrance that said smoking was permitted in the bar so they could leave if they chose not to inhale secondhand smoke. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Shelly Chetty, 6301 Richmond, Houston, Texas 77057 (713-706-5670) appeared, presented information and stated that she was with the M. D. Anderson Cancer Society and what she provided was letters from the two former Surgeon Generals C. Everett Koop and David Satcher and another letter from Dr. Bohn D. Allen, president of the Texas Medical Association and he represented 39,500 physician members who each were highly medical leaders and they were all appealing to Council on scientific and medical evidence to face the need for a comprehensive no smoking ordinance. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Chetty stated that she was not aware of an offer from them to do a study and believed the evidence was clear; that they were looking for a full ban on smoking, 100%, all work places, all public places. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Ms. Chetty stated that if they had not enforced the no smoking ordinance before she did not know whether a higher fine would help, but she did know that they enforced other health issues; that they were looking for a full ban on smoking, 100%, all work places, all public places. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Thomas Disalvio, 1615 Hermann Drive #2315, Houston, Texas 77004 (713-553-5433) appeared, presented information and stated that he was present to witness first hand as to the transition period which occurred in California with both sides playing against each other and prior to enforcement of the Code it was considered socially acceptable to smoke in bars and restaurants. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Mr. Disalvio stated that 72% of the people now accepted the ban on smoking and the same thing would happen here; that Houston was not being bold with a total ban as it was already done; they needed no other studies as they were already done; no transition period was needed they just needed to do it; that they should celebrate the right for choice and when someone smoked the smoke violated the next persons rights. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Julian Ritchey, 3332 Whitney, Houston, Texas 77006 (713-927-7692) appeared and stated that he was present as a bar employee and former bar owner and speaking on behalf of several employees, some had developed Asthma and other health issues as a result of their work environment and they were urging the Council to fully ban smoking in all bars, restaurants and public places; that this was a health issue and those in the airline industry did not have to look for other jobs, they banned smoking. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Mr. Ritchey stated that it was a personal rights as well as a health issue and about patrons and workers rights being able to go out and enjoy a meal or go to a club without being forced to breathe unhealthy air. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Linda Murrie, 5007 Briarbrook, Dickinson, Texas 77539 (281-337-5063) appeared and stated that she had coronary heart disease and knew the difference in being around secondhand smoke; that in the 1930s, 1940s or 1950s people may not have been sure, but today they were, as time and researched progressed they found secondhand smoke to be a real danger to all, it contributed to heart disease, asthma, and other diseases; and she appealed to Council to quickly pass a strong ordinance banning smoking in public places. Council Members Lawrence, Galloway, Goldberg, Garcia and Berry absent.

Rev. Emit Square, 8019 Record, Houston, Texas 77028 (713-734-0116) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Garcia and Berry absent.

Ms. Beatrice Kelly-Serrato, 2105 Cetch Court, Seabrook, Texas 77586 (281-474-1485)

appeared, asked Council to excuse her voice and stated that she was a scientist, engineer and also performing vocalist; that she chose not to sing in smoky bars and her voice was why, from singing the other night her voice was ill; that her grandmother died from cancer due to secondhand smoke and Council had statistics. Council Members Lawrence, Galloway, Goldberg, Garcia and Berry absent.

Mr. Don Seributra, 7023 Dicksonway, Missouri City, Texas 77489 (281-437-4931) appeared and stated that he was present to support the full ban on smoking; that he had two family members affected by smoke, he supported the full ban and wanted it done ASAP. Council Members Lawrence, Galloway, Goldberg, Garcia and Berry absent.

Mr. Barry Turney, 6711 N. Bay Crest Circle, Humble, Texas (281-359-7269) appeared and stated that he was present to speak on the proposed strategic partnership agreement with the MUD Districts in the Atascocita community, the so-called partnership agreement implied it was an agreement between Houston and residents of his community, but it was the city filtering money out of their community; that residents in his community could not vote in city elections and received no police or fire protection. Council Members Lawrence, Galloway, Goldberg, Garcia and Berry absent.

Council Member Wiseman stated that sufficient information was not out there, but the process was initiated by the MUD and not the City of Houston, however, the fact the MUD board took a vote and the City of Houston had to take a vote there was the opportunity to address areas of concern and the city would not necessarily vote in favor of the annexations. Council Members Lawrence, Galloway, Goldberg, Garcia and Berry absent.

Mr. Bill Anderson, 19802 Powerscout Drive, Humble, Texas 77396 (281-784-7944) appeared and stated that he spoke today in opposition to the proposed Strategic Partnership Agreements for Municipal Utility Districts 109, 132 and 153 located in Atascocita; that required postings by the boards were that the notices were unreasonable, inconvenient and obscure and ineffective in notifying the public; that the theme of citizens at the public hearings were they overwhelmingly were in opposition to the SPAs and the SPAs were not reasonable under the law. Council Members Lawrence, Galloway, Goldberg, Garcia and Berry absent.

Upon questions by Council Member Quan, Mr. Anderson stated that the MUD boards did have a vote; that the first rounds of meetings as he could tell had no public attendance and primarily because of lack of notification, the only reason public did attend later was because of public newspaper articles and then 150 attended the meetings and virtually unanimous in opposition to the SPA but the board voted yes. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Garcia and Berry absent. (NO QUORUM PRESENT)

Mr. Gerald Lavey, 19142 Sprintwood Court, Humble, Texas 77346 (713-412-8333) appeared and stated that he was president of MUD 153 and would differ with the previous speaker on accuracy of his numbers; that he would compliment the City of Houston on the strategic partnership agreement and ability to enter into the agreement as it was a forward thinking arrangement and met the needs of the regional area; and urged Council to vote for the agreement. Council Members Lawrence, Galloway, Goldberg, Khan and Berry absent.

Upon questions by Council Member Ellis, Mr. Lavey stated that there was a lot of misinformation provided by the local newspaper, they were only being set up in commercial areas not residential and many came to the meeting for 153 thinking they were being annexed by the City of Houston and when the correct information was given to them at least half of them said they understood and were now in favor of it. Council Members Lawrence, Galloway, Goldberg, Khan and Berry absent.

Council Member Wiseman stated that she had heard a great deal from Atascocita and they were concerned and they would entertain consideration a year from now when they had

opportunity to understand the process; and upon questions, Mr. Lavey stated that notice was not sent in their water bills nor were they required. Council Members Lawrence, Galloway, Goldberg, Khan and Berry absent.

Mr. Richard Oviedo, 5935 Culross Close, Atascocita City, Texas 77346 (281-852-4367) appeared and stated that he lived in Atascocita, MUD 146, and all he spoke to were very much against the SPA agreement and totally against even the thought of being annexed by the City of Houston. Council Members Lawrence, Galloway, Goldberg, Khan and Berry absent.

Upon questions by Mayor White, Mr. Oviedo stated that his information came from the newspaper and the deal was if the SPA agreement was voted by Council then they would get 1/2% of the 1% for the next 30 years and agree not to annex them for the 30 years and they did not want either plan; that if this did not pass they were led by the newspaper to believe they would be annexed; that he had the article and would get him a copy; and Mayor White stated that he knew some wanted to create a taxing district there but they had nothing to do with the City of Houston and he would like to see the article; that he never heard of this. Council Members Lawrence, Galloway, Goldberg, Khan, Green and Berry absent.

Council Member Wiseman stated that the misinformation sent out was also put out by the board; the board said this was a way to avert full annexation, so there was a fear put out. Council Members Lawrence, Galloway, Goldberg, Khan, Green and Berry absent.

Mayor White stated that an individual was in Chamber today who worked by contract for the City of Houston and had saved them more money than anyone he knew of and asked Mr. Alton Hall to stand to be recognized. Council Members Lawrence, Galloway, Goldberg, Khan, Sekula-Gibbs and Berry 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 Lawrence, Galloway, Goldberg, Khan, Sekula-Gibbs and Berry absent.

Mr. Joe Marquez, P. O. Box 34392, Houston, Texas 77034 (713-910-1419) appeared and stated that it was strange the Mayor should bring up the truth as he spoke of the SafeClear Program having a 14 minutes and then said 4-1/2 minutes; then he said he wanted it transparent and they could not get information and the biggest problem he had with Mayor White was when he talked about the wreckers, that they would be checked and then later said they were checked but nothing could be done because of regulations. Council Members Lawrence, Galloway, Goldberg, Khan, Sekula-Gibbs and Berry absent.

Mr. Dell York, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Khan, Sekula-Gibbs and Berry absent.

Dr. Christobel Rigue Siqueira, 4505 N. Braeswood #208, Houston, Texas 77096 (832-439-2294) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Khan, Sekula-Gibbs and Berry absent.

Mr. Christopher Bledsoe, 4505 N. Braeswood #208, Houston, Texas 77096 (832-439-2294) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Khan, Sekula-Gibbs and Berry absent.

Mr. William Beal, 418 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated in the name of God the Father, Son, Holy Ghost, Roman Catholic Church; and continued expressing his personal opinions. Council Members Lawrence, Galloway, Goldberg and Khan absent.

Ms. Nicole Bledsoe, 4505 N. Braeswood #208, Houston, Texas 77096 (832-865-1751) appeared and stated that she was present to discuss the City of Houston's animal care facility, B.A.R.C., that her dog was quarantined at the facility for 10 days and the rules were owners were not able to see their animals and they could only communicate with the veterinarians so she called twice and was told her animal was fine; that they picked up their dog February 25th and three hours later he died; that after the passing of her animal she spoke with the veterinarians who saw her dog and was notified the regulations there were not even strict enough to maintain life of those animals and she was now discovering that over the last 20 years changes were made to improve conditions, but unfortunately they were not good enough to maintain life of her dog and was urging changing regulations to prevent such problems. Council Members Lawrence, Galloway and Goldberg absent.

Upon questions by Council Member Berry, Ms. Bledsoe stated that her dog was accused of being in a bite case; that they had sent their dog to a state lab in College Station and found he died of Parvovirus and if a veterinarian was seeing him twice a day it would be visible, he had lost 30 pounds in the ten days he had been there. Council Member Berry stated that they needed to get to the bottom of this; that they were getting too many B.A.R.C. concerns and if her comments were not in writing he would ask her to put them in writing and send them to him. Mayor White, Council Members Lawrence, Galloway and Goldberg absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs moved to hear Ms. Trish King out of order, seconded by Council Member Khan. Mayor Pro Tem Alvarado stated that she would be the next speaker. Mayor White, Council Members Lawrence, Galloway and Goldberg absent. Mayor Pro Tem Alvarado presiding.

Ms. Trish King, 12027 Isle Vista Drive, Houston, Texas 77041 (713-857-3413) appeared and stated that she was director of the American Lung Association and yes, everyone had the right to smoke but not to blow it in her or her family's face; that it was proven even internationally that a smoking ban did not make revenues go down and self enforcement was by far what happened throughout the entire world; that it took courage for politicians to take this on, but encouraged Council Members to place a strong ban. Mayor White, Council Members Lawrence, Galloway, Goldberg, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Sekula-Gibbs, Ms. King stated that she would like to immediately see dining go smoke free and suggest in 12 months that dining in restaurant bars go smoke free and within 18 months everything be smoke free, pass it now and implement it over time so they would not have to go back time after time to revisit the issue. Mayor White, Council Members Lawrence, Goldberg, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Timothy Verge, 875 Wax Myrtle Lane, Houston, Texas 77479 (832-282-1620) appeared and stated that he felt HPD had poor training, he had a light go out on the front of his car and was stopped and the police officer treated him like he was nobody and it led to other things and he thought the problems started at the top, such as half the Council Members being present. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that if he had specific complaints she would like Council Members to get them in writing and he could do that by E-mail; and Mr. Verge stated that he would not put it in writing instead he would just move out of Houston; that the Mayor was in and out and Council Members stayed on the phone when they were there. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she would ask him to speak with Lieutenant Alonzo

who was present at this time. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John Juanopulous, 2207 Eastex Freeway, Houston, Texas 77026 (713-227-5207) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Richard Morris, 1810 San Jacinto, Pasadena, Texas 77502 (713-475-2495) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Dennis Anga, 8251 Howard, Houston, Texas 77017 (713-643-4446) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Charlz Bellard, 12300 Almeda, Houston, Texas 77053 (832-715-9509) appeared, presented information and stated that he was director of customer service training and part of a training program used by a local community college which trained and placed over 400 constituents in the Houston area and as of today the program did not exist and there was a need for it and today he was present as many jobs were being outsourced to other areas and they at the New Jerusalem Learning Center were able to bring jobs and train people and give those in economically depressed areas hope. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado thanked Mr. Bellard for coming and stated that the Council had his information. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Al Edwards, 12300 Almeda, Houston, Texas 77053 (832-715-9509) appeared and stated that today customer service was bad and the New Jerusalem Learning Center could provide solutions; that not enough good customer service representatives had been trained and they were trying to get assistance from the city as well as the state and today they were asking for that assistance. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Myrtle Williams, 8507 Sunderland, Houston, Texas 77028 (713-633-9598) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Jackie Johnson, 5508 Hillman, Houston, Texas 77023 (713-921-8179) appeared and stated that she was present asking for Council's support for the No. 35 Leeland METRO bus; that it operated for more than 25 years and was very much needed for working people, senior citizens, etc., and without it many would be left without transportation and it would be a large burden. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she spoke with members of her district about that because it went through a part of her district and suggested that they go to the METRO board meeting, but she would send the board a letter of support. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that he would be happy to also support them. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Margaret Torres, 1815 Dismuke, Houston, Texas 77023 (713-921-8179) appeared and stated that she was also present concerning the No. 35; that they did not have cars and the bus was needed; that it ran between Lawndale and Telephone and they had already sent petitions. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that as she said to Ms. Johnson the METRO board of directors had jurisdiction over the routes not the Council, but her office would send a letter of support; and again urged that they attend the METRO meeting. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Johnson stated that they heard the route was to stop in April, but she did not know why they were discontinuing it. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Lonnie Henderson, 2727 Nasa Parkway, Seabrook, Texas 77586 (832-428-3878) appeared and stated that he was employed by the Houston Fire Department and February 9, 2005, he was separated from his department with pay and no explanations and he was off a month now with pay; that June 23, 2004, he filed a grievance against his supervisor and June 28, 2004, he defended the allegations; that since then he felt he had been violated and humiliated and in his opinion it was retaliation. Mayor White, Council Members Lawrence, Goldberg, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Henderson stated that it was not true he threatened an employee; and Council Member Quan stated that was the reason he was given regarding the suspension and that there was an ongoing OIG investigation regarding the charges; and upon further questions, Mr. Henderson stated that it was alleged violations of city rules and regulations and he was being paid at this time; that he was to check in each day and if he left home he notified them where he was going and did call to say he was going to City Hall today, he spoke with John Brown and said he had business here today; and Council Member Quan stated that he should check with Ms. Karen Dupont with HFD who was present at this time regarding charges against him. Mayor White, Council Members Lawrence, Goldberg, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mary Rogers, 8223 Greens Road, Humble, Texas 77396 (713-201-5009) appeared and stated that she was present asking why the City allowed illegal businesses to flourish and was speaking about illegal massage parlors such as the Triple A Day Spa located on 59, it was open 24 hours a day and they had no license; that other cities handled the problem by not allowing the businesses to operate if they did not have a business license. Mayor White, Council Members Lawrence, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado

presiding.

Council Member Quan stated that Council had asked the police department to take a more aggressive role regarding closing down businesses which disguised themselves as massage therapy facilities; and if she had complaints about specific facilities they would be glad to investigate them; and she could speak with Lieutenant Alonzo who was present at this time. Mayor White, Council Members Lawrence, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Donna Carey, 1114 Live Oak, Houston, Texas 77004 (713-741-2228) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Barbara Young, 8514 McGowen, Houston, Texas 77004 (713-747-3384) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Ray Love, 10300 Shady Lane Houston, Texas 77093 (713-742-5740) appeared and stated that he addressed Council last year; that he got out of prison and was kidnapped and his flesh was being altered and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that he could leave his information with Mr. Cantu. Mayor White, Council Members Lawrence, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Vera Hicks, 7337 Parker Road, Houston, Texas 77016 (713-491-8791) appeared and stated that she was present today regarding organized auto theft; that organized rings allowed wreckers to steal autos out of your driveway, hold it for a period of time, file for a title and auction it off; that happened to her and she had a solution. Mayor White, Council Members Goldberg, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that Lieutenant Alonzo was present, but out of the Chamber at the present time and she could speak with him when he returned. Mayor White, Council Members Goldberg, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Charles George, 13704 Garber Lane, Houston, Texas 77015 (281-639-2723) appeared and stated that he was present about an aggravated robbery, case No. 182356902J, he went to add \$500.00 to the \$5,000.00 reward money and then he was told HPD had to approve it so he went there and they pulled the case from Crime Stoppers because he could not positively identify his attackers and that was ridiculous when crimes were committed with no one to identify at all. Mayor White, Council Members Goldberg, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence stated that he should call Ms. Kim Ogg at Crime Stoppers as she was the executive director of Crime Stoppers and may be able to help him. Mayor White, Council Members Goldberg, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Goldberg, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (832-453-6376)

appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Goldberg, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Suzanne Polle, P. O. Box 1035, Missouri City, Texas 77489 (281-438-5427) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Goldberg, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

At 4:05 p.m. City Council recessed until 9:00 a.m., Wednesday, March 9, 2005. Council Member Edwards absent due to being ill. Mayor White, Council Members Goldberg, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

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

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, March 9, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Susan Taylor, Assistant City Attorney; Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Deputy Agenda Director present. Council Member Mark Goldberg absent on city business. Council Member Ada Edwards absent due to being ill.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:38 a.m. Mayor White reconvened the meeting of the City Council. Council Members Khan, Garcia, Green and Berry absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 54A**

#### **DAMAGES** - NUMBER 2

2. RECOMMENDATION from City Attorney for settlement of lawsuit titled **MARY MOORE, Individually and as next friend of Devon**; Moore v. City of Houston and J. Thornburg; in the 129th Judicial District Court of Harris County, TX - \$95,000.00 - Property and Casualty Fund - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Members Khan, Garcia and Berry absent. MOTION 2005-0200 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 4 and 5

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$719,476.16 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Eldridge Parkway Lift Station, GFS R-0267-71-3 (4276-31) - 01.27% over the original contract amount - **DISTRICT G - HOLM** - was presented, moved by Council Member Lawrence, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Members Galloway, Khan and Ellis absent. MOTION 2005-0201 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$886,234.98 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Architectural Renovations to Groundwater Pumping

Stations, GFS S-1000-FS-3 (WA10619) - 06.44% under the original contract amount - **DISTRICTS A - LAWRENCE; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - KHAN and G - HOLM** - was presented, moved by Council Member Lawrence, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Members Galloway, Khan and Ellis absent. MOTION 2005-0202 ADOPTED.

**PROPERTY** - NUMBERS 6 through 9

6. RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners into the registry of the Court, pay all costs of Court in connection with eminent domain proceeding styled City of Houston v. George B. Keiller, et al., Cause No. 779,945, for acquisition of Parcel AY1-045; for the **BRITTMOORE ROAD DETENTION POND PROJECT**; GFS/CIP N-0596-01-2 \$831,185.70 - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Members Galloway, Khan and Ellis absent. MOTION 2005-0203 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from M. Christopher Rogers, CEI Engineering Associates, Inc., on behalf of Baybrook Mall, L.P., a Delaware limited partnership [General Growth Baybrook Mall, Inc. (Ronald L. Gern, vice president), general partner], for abandonment and sale of a portion of a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, located within Restricted Reserve M, Baybrook Mall, Section One, Parcels SY5-043 and KY5-151 - **STAFF APPRAISERS - DISTRICT E - WISEMAN** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Members Galloway, Khan and Ellis absent. MOTION 2005-0204 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for purchase of Parcel DY4-008, located in the 500 block of Greens Road, owned by The May Department Stores Company, a New York corporation, R. Dean Wolfe, Executive Vice President, for the **NORTHBOROUGH CONVEYANCE SYSTEM WWTP ABANDONMENT PROJECT**, CIP R-0536-02-3 - \$33,345.00 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Members Galloway, Khan and Ellis absent. MOTION 2005-0205 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 15A

14. **KINLOCH EQUIPMENT & SUPPLY, INC** - \$372,011.86 and **HI-WAY EQUIPMENT CO., INC** - \$28,063.00 for Sweeper Miscellaneous Replacement Parts for Department of Public Works & Engineering - Fleet Management Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0206 ADOPTED.
15. ORDINANCE appropriating \$178,972.76 out of Water & Sewer System Consolidated Construction Fund for Emergency Repair of the 48-inch Force Main at the Almeda Sims Wastewater Treatment Plant for Public Works & Engineering Department, CIP R-0267-F2-3 - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway

absent. ORDINANCE 2005-0194 ADOPTED.

- 15a. **BRH-GARVER CONSTRUCTION, LTD**, for Emergency Repair of the 48-inch Force Main at the Almeda Sims Wastewater Treatment Plant for Department of Public Works & Engineering \$178,972.76 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0207 ADOPTED.

**ORDINANCES** - NUMBERS 19 through 54A

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Tasco Street right of way containing 6,000 square feet of land, more or less, Parcel SY1-056, being located in the S. S. Smith Survey, Abstract Number 1049, Harris County, Texas, vacating and abandoning Parcel SY1-056 to Lap Thanh Chau and Ngoc Kim Lam, abutting owners in consideration of owner's payment of \$21,000.00 and other consideration to the City - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0195 ADOPTED.
20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a sanitary sewer easement and two storm sewer easements containing an aggregate of 26,497 square feet of land, more or less, vacating and abandoning Parcels S98-070B, S98-070C and S98-070D to North Harris Montgomery Community College District; the abutting owner, in consideration of owner's dedication of two drainage easements containing an aggregate of 3,716 square feet of land, more or less, Parcels L98-033A and L98-033B, all out of Kingwood Place, Section 12, William Massey Survey, A-342, Montgomery County, Texas; and owner's payment of \$11,441.00 and other consideration to the City - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0196 ADOPTED.
21. ORDINANCE finding no special benefit to the abutting owner of property described as Tract 20A out of David Henson Survey, Abstract No. 328, and authorizing the release of certain assessment liens and apparent liens created by Ordinance No. 93-1460, passed November 17, 1993, for the Initiation of a Paving Project for the Permanent Improvement of a portion of Mangum Road in the City of Houston, Texas - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0197 ADOPTED.
28. ORDINANCE approving and authorizing Utility Functions and Services Allocation Agreement between the City of Houston and **SCARSDALE, LTD., a Texas limited partnership**, on behalf of proposed Harris County Municipal Utility District No. 410 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0198 ADOPTED.
32. ORDINANCE appropriating \$380,323.80 out of General Improvements Consolidated Construction Fund and \$450,351.81 out of Public Library Consolidated Construction Fund and approving and authorizing Professional Architectural Services contract between the City of Houston and **AUTOARCH ARCHITECTS, LLC** for South Post Oak Multi-Service Center and Vinson Branch Library, CIP D-0081-01-2 and E-0138-01-2; providing funding for the Civic Art Program and Environmental Task Order Contract No. 55646 financed by

the General Improvements Consolidated Construction Fund and the Public Library Consolidated Construction Fund **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0199 ADOPTED.

34. ORDINANCE appropriating \$7,664,049.00 out of Water & Sewer Contributed Capital Fund, and \$5,781,651.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **BRH-GARVER CONSTRUCTION, LP.** for Construction of a 66-inch water line along Aldine-Westfield, Peyton Road, proposed easements, Morales Road, Milner Road, Double Tree Drive, John F. Kennedy Boulevard and World Houston Parkway from Greens Road to Vickery Drive., GFS S-0900-A1-3 (WA10448-04); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Water and Sewer Contributed Capital Fund, and the Water and Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0200 ADOPTED.
35. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 1**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0201 ADOPTED.
- 35a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 1**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Grand Lakes Municipal Utility District No. 1 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0202 ADOPTED.
36. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 4**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0203 ADOPTED.
- 36a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located 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; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Grand Lakes Municipal Utility District No. 4; imposing the sales and use tax of the City of Houston in the area within Grand Lakes Municipal Utility District No. 4 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0204 ADOPTED.

37. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 2**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0205 ADOPTED.
- 37a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 2**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Grand Lakes Municipal Utility District No. 2 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0206 ADOPTED.
38. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0207 ADOPTED.
- 38a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 35 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0208 ADOPTED.
39. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0209 ADOPTED.
- 39a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located 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; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Fort Bend County Municipal Utility District No. 50; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 50 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0210 ADOPTED.
40. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the

City and **CINCO MUNICIPAL UTILITY DISTRICT NO. 12**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0211 ADOPTED.

- 40a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located 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; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Cinco Municipal Utility District No. 12; imposing the sales and use tax of the City of Houston in the area within Cinco Municipal Utility District No. 12 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0212 ADOPTED.
41. ORDINANCE approving and authorizing the first amendment to the Strategic Partnership Agreement between the City and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0213 ADOPTED.
- 41a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **CHARTERWOOD MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Charterwood Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0214 ADOPTED.
42. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 276**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0215 ADOPTED.
- 42a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 276**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 276 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0216 ADOPTED.
46. ORDINANCE approving and authorizing a first amendment to the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120**; making various findings and provisions relating to the subject - was presented. All

voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0217 ADOPTED.

- 46a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located 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; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 120; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 120 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0218 ADOPTED.
47. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 133**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0219 ADOPTED.
- 47a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located 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; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Water Control and Improvement District No. 133; imposing the sales and use tax of the City of Houston in the area within Harris County Water Control and Improvement District No. 133 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0220 ADOPTED.
48. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 186**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0221 ADOPTED.
- 48a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located 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; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 186; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 186 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0222 ADOPTED.

49. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0223 ADOPTED.
- 49a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Northwest Harris County Municipal Utility District No. 21 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0224 ADOPTED.
50. ORDINANCE approving and authorizing the first amendment to the Strategic Partnership Agreement between the City and **FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0225 ADOPTED.
- 50a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Fountainhead Municipal Utility District, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Fountainhead Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Fountainhead Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0226 ADOPTED.
51. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0227 ADOPTED.
- 51a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located 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; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Fresh Water Supply District No. 61; imposing the sales and use tax of the City of Houston in the area within Harris County Fresh Water Supply District No. 61 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards

absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0228 ADOPTED.

52. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 29**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0229 ADOPTED.
- 52a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 29**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Northwest Harris County Municipal Utility District No. 29 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0230 ADOPTED.
53. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **NORTH PARK PUBLIC UTILITY DISTRICT**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0231 ADOPTED.
- 53a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTH PARK PUBLIC UTILITY DISTRICT**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within North Park Public Utility District annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0232 ADOPTED.
54. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0233 ADOPTED.
- 54a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located 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; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Water Control and Improvement District No. 36; imposing the sales and use tax of the City of Houston in the area within Harris County Water Control and Improvement District No. 36 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg

absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. ORDINANCE 2005-0234 ADOPTED.

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

**MISCELLANEOUS**

1. RECOMMENDATION from Director Houston Emergency Center for approval of previously funded Change Order in the amount of \$120,629.00 on contract with **PRC PUBLIC SECTOR, INC (PRC) now PUBLIC SAFETY INCORPORATED (PSI), a subsidiary of NORTHRUP GRUMMAN**, for Software upgrades in the Computer Aided Dispatch System and Records Management System - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0208 ADOPTED.

**ACCEPT WORK**

3. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$11,180,149.34 and acceptance of work on contract with **STEWART-MATL, LTD** for HAS Administration Building Renovation, Expansion and Addition at George Bush Intercontinental Airport/Houston; Project No. 562B; CIP A-0390 and A-0422 - 07.60% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Quan.

Council Member Khan stated that the contract was 7.6% over the original contract and asked if someone could give him an explanation of why it went over he would appreciate it, that he would tag the item and wait until the end of the meeting to remove his tag if there was an explanation. (Note: Council Member Khan released his tag later in the meeting.)

Council Member Berry stated that he got a call last week from Chief Tom Slagel, a beacon in the Fire Department and a long term veteran, who said he was losing one of his best men, that today was his last day on the Fire Department and that Captain Robert Kurchow, who was present in the audience, was a 38 year veteran of the Houston Fire Department, and asked that he stand and be recognized, that all of his buddies from Fire Station 6 were present with him, that he had been a captain at Station 6 for 25 years. Council Member Galloway absent.

Mayor White and Members of Council congratulated Captain Kurchow for his years of service to the Houston Fire Department. Council Member Galloway absent.

**PROPERTY**

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Scott P. Greer of R. G. Miller Engineers, Inc., on behalf of Holly Hall Inc., a Charitable Corporation (Margaret Humphries, president) for abandonment and sale of a portion of a 10-foot-wide water line easement and a fire hydrant easement in exchange for the conveyance to the City of a 10-foot-wide water line easement and a fire hydrant easement, all located within the Holly Hall Home for the Retired, Replat No. 2, Parcels SY5-005A, SY5-005B, KY5-054A and KY5-054B - **STAFF APPRAISERS DISTRICT D - EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0209 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

10. **CRASH RESCUE EQUIPMENT SERVICE, INC** Aircraft Rescue Fire Fighting Body and Associated Equipment for Houston Airport System - \$38,023.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Khan.

Council Member Khan stated that he would withdraw his tag on Item No. 10 and a vote was called. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0210 ADOPTED.

11. **TEXAS FIRE RESCUE dba FIRE APPARATUS SPECIALISTS, INC** for Equipment, Hale Fire Pump Parts and Repair Contract for Fire Department - \$207,500.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0211 ADOPTED.

12. **AMEND MOTION #2002-0922, 8/7/02, TO INCREASE** spending authority from \$143,169.75 to \$198,050.75, on award to **CHEM GUARD, INC** for Polar Solvent/Aqueous Film for Houston Airport System and Fire Departments - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0212 ADOPTED.

13. **AAR, INC** Asbestos Abatement, Demolition and Site for Houston Police Department - \$75,413.00 and contingencies for a total amount not to exceed \$79,183.65 - Dangerous Building Consolidated Fund - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0213 ADOPTED.

16. **AMEND MOTION #2000-0435, 3/22/00, TO EXTEND** expiration date from March 26, 2005 to March 26, 2010, and **TO INCREASE** spending authority from \$13,900,000.00 to \$25,700,000.00, on award to **MOTOROLA, INC** for Motorola Wireless Data Communications Devices for Various Departments - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan.

Council Member Khan stated that he would tag Item No. 16, that his question was that the original contract was for \$13.9 million and they were almost doubling the contract and asked why they were not issuing another bid out there to see if they could get a better deal for the City, that he would like an explanation. Council Member Galloway absent.

Council Member Sekula-Gibbs stated that she would like to add her tag to Item No. 16 and wanted further information on the unit price for each of the items, particularly the comparisons on the unit prices that were paid in other cities for similar items. Council Members Galloway and Berry absent.

Council Member Garcia stated that he would not tag the item but had a question in regard to what he understood was spending authority, that with their public safety manpower diminishing did they need an extension of spending authority and did they have the personnel for the equipment, that was essentially his concern, and Mayor White stated that they would make sure the briefings included Council Member Garcia on the item. Council Members Galloway and Berry absent.

## **ORDINANCES**

17. ORDINANCE authorizing issuance of City of Houston, Texas Taxable General Obligation Pension Bonds, Series 2005; prescribing the terms and form thereof; providing for the payment thereof; authorizing the redemption and refunding of the refunded Note; appropriating sufficient funds for the payment of interest; authorizing the execution of a purchase contract; authorizing the purchase of a Financial Guaranty Policy; awarding the sale of the bonds; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the bonds; making other findings and provisions relating to the subject and matters incident thereto; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, Supplemental Financial Advisor Agreement, Co-Bond Counsel Agreement, Co-Disclosure Counsel Agreement, and Special Counsel Agreement; and declaring an emergency - was presented.

Council Member Ellis stated that he understood that Item No. 17 could not be tagged but he expressed to Ms. Johnson and the Controller at the Fiscal Affairs Committee meeting that he would appreciate if all items like this were brought through that committee, that they had not been in the past and if the Mayor could help him in trying to have them brought to that committee he would appreciate that. Council Members Galloway and Berry absent.

Mayor White stated that they would do that and asked Ms. Stein to make sure and make a note of that. Council Members Galloway and Berry absent.

A vote was called on Item No. 17. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Members Galloway and Berry absent. ORDINANCE 2005-0235 ADOPTED.

18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of Freeman Street, Everett Street, and Chestnut Street containing an aggregate of 80,000 square feet of land, more or less, Parcels SY0-055A, SY0-055B and SY0-055C; all three parcels of land being located in the Mrs. C. M. Allen's Addition, Houston, Harris County, Texas, vacating and abandoning Parcels SY0-055A, SY0-055B and SY0-055C to Houston Independent School District, abutting owner in consideration of owner's payment of \$4,900.00 plus \$235,106.00 to be deducted from owner's Credit Account, established by interlocal agreement and other consideration to the City - **DISTRICT H - GARCIA** - was presented.

Council Member Garcia stated that on Item No. 18 his question was whether or not it had been confirmed with the community, did the community know they were giving up some right-of-way and was there a particular master plan that would follow with it, that he had some concerns and did not do the due diligence that he typically did on items out of his district, and if it was not time sensitive he would tag the item, and Mayor White stated that the item could be tagged, and Council Member Garcia stated that he would tag the item. Council Members Galloway and Berry absent.

22. ORDINANCE approving and authorizing lease agreement between the City of Houston and **HCC SERVICE COMPANY, LTD.** at William P. Hobby Airport - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Members Galloway and Berry absent. ORDINANCE 2005-0236 ADOPTED.
23. ORDINANCE appropriating \$245,736.00 out of Airport System Consolidated 2000 AMT Construction Fund and \$2,316,642.00 out of Airport System Bonds 2000B NON-AMT Construction Fund, and approving and authorizing lease agreement between the City of

Houston and **AERO HOUSTON CENTRAL, L.P.**, for Certain premises at George Bush Intercontinental Airport/Houston; CIP A-0392 - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Members Galloway and Berry absent. ORDINANCE 2005-0237 ADOPTED.

24. ORDINANCE approving and authorizing agreement between the City of Houston and **KIPP, INC** to provide \$500,000.00 in Community Development Block Grant Funds for Partial Funding of Construction Costs in connection with a Public Charter High School Facility to be located at 10711 Kipp Way, Houston, Texas - **DISTRICT F - KHAN** - was presented.

Council Member Green stated that he was concerned and had gotten calls from other charter schools who were waiting in line for their grants as well, that while he applauded the mission of KIPP and all they were doing he thought they needed to be careful because he thought the number of charter schools outnumbered the amount of money they had to give. Council Member Berry absent.

Mayor White stated that they ought to have some very clear criteria, that he agreed with Council Member Green. Council Member Berry absent.

Council Member Khan stated that the KIPP Academy was without a doubt the most shining example of the charter school system, that he invited the Council Members who had not visited the academy to please visit it and see for themselves, that 95% of the students were minority students and who had more of an opportunity to get lost, that the academy was picking up the students and making them outstanding students and outstanding citizens, that he had visited the academy many times, that it was an example of how a charter school should work, that even on the grant fund the total project was \$4.38 million and the City was only providing \$300,000. Council Member Berry absent.

Mayor White stated that they were facing some deadlines concerning the spending of funds in a productive manner in order to avoid forfeiting those funds, that there would be a number of CDBG fund items so they would not lose that funding. Council Member Lawrence absent.

Council Member Galloway stated that this was a precedent they were setting that she thought was not good for the City, that the City should be about making things for the community needs, that she had been waiting on the multi purpose center for five years and it had been very slow in coming and had not even been started to be built or no contract had been sent out to give service to their community, that the charter school that was formed out of HISD, that went in for profit, and now they were going to contribute monies to build schools when they already had public schools who were in dire need of assistance of some kind as well, that she did not know what the money was specifically earmarked for, if it was specifically earmarked for public facilities then it was one thing, but if it was earmarked for development then they had all those homes in her district where people needed assistance for repairs, where they claimed they could not get to them and did not have the money, maybe they could have used some of the CDBG money to put in that bank to help those citizens whose homes were falling down and caving in, that she had a major problem with the item and did not think the City should be in the business of giving grant monies for schools to be build, she thought they should use the money in a more appropriate way and they should have spent it but they did not, and they were setting a precedent where other charter schools would be coming and applying and thinking that the City was in the business of building schools, that charter schools were already getting one tax base and that tax base was the State and here in the City they were going to start giving as well, that the charter school was also stipend off of the public schools and many of them were failing, although KIPP was not, but many of them were, so she had a problem, that she was going to tag the item, and also Council Member Edwards had wanted her to tag it on her behalf

as well.

Council Member Ellis stated that he respected his colleagues opinion if they believed the City should not be channeling money through HUD to the charter schools, but as far as setting a standard or criteria, he had served on KIPP Academy's Advisory Board in the past and they were a shining example of what they needed to do, that as far as taking children out of the public school system, he was not adamantly opposed to it when they were at risk children and they had a great success rate, it was about 98% and was about 99% minority children that went to the school as well, that he respectfully disagreed with his colleagues and that was if they channeled federal funds over to a charter school that was a success then they did not have to spend money on maintenance and operation as they did for other projects that they tried to develop in the City that put a strain on the budget and a strain on their ability to pay for public safety issues, that he thought it was a good project.

Council Member Green stated that he wanted to make it clear that it was an excellent program and was 100% supportive of it and did not have a problem spending money on it, but at some point there were charter schools popping up on every corner, and some very good ones and he did not have a problem with that, but when they got to the point where they did not have money or did not have \$500,000 because a school was equally as good as KIPP that was an issue, that Wheeler Avenue had an excellent school, and Council Member Ellis stated that his point was that they set the standard to the KIPP Academy level and that would push a lot of charter schools out, and Council Member Green stated that may be what they needed to do.

Council Member Quan stated that KIPP applied under the criteria that the City had in place at the time of their application and went through the process and depended on the City to act in a manner consistent with the rules and met all of the HUD guidelines and went thought the department and they would be remiss if they retreated from their commitment to KIPP, that he thought once they had the guidelines in place that they should be applied uniformly and in the future people should be held to that, that the item had gone through committee and went through the process they had in place, that while he thought due deliberations were needed he looked forward to the Mayor and Mr. Wilson bringing guidelines forth to the Neighborhood Housing and Redevelopment Committee that they could all agree on and set that for the public to know when they applied to the City.

25. ORDINANCE amending Ordinance 2004-0777 to increase the maximum contract amount and approving amendments to extend termination date of contracts between the City of Houston and **A-1 PERSONNEL of HOUSTON, INC., ALLTECH SYSTEMS, INC., RUSHMORE CORPORATION d/b/a ALL TEMPS 1 PERSONNEL, ALSO TEMPS, INC., APPLE ONE TEXAS, INC., AT-TECH STAFFING SERVICES, INC., BERGAILA & ASSOCIATES, INC., CRINER-DANIELS & ASSOCIATES, INC., DATALOGIC CONSULTING, INC., ELITE COMPUTER CONSULTANTS, L.P., ELITE PERSONNEL CONSULTANTS, INC d/b/a EVINS TEMPORARIES, EXECUTEAM CORPORATION, PDS TECHNICAL SERVICES, INC., and SILVER & ASSOCIATES, INC.,** for temporary administrative/industrial and information technology staffing - \$12,000,000.00 - Central Services Revolving Fund - was presented, and tagged by Council Members Wiseman, Sekula-Gibbs and Khan.

Council Member Khan stated that out of all the firms how many were MWBE firms as registered with the City of Houston and what percentage of the business were they getting out of the \$12 million contract, and Mr. Hall stated that they would get that information for Council Member Khan.

26. ORDINANCE authorizing Houston Airport System to Co-sponsor the International Air Cargo Conference and Exhibition scheduled in Houston May 17-19, 2005; authorizing expenditure of \$35,000.00 for the Conference - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council

Member Edwards absent due to being ill. ORDINANCE 2005-0238 ADOPTED.

27. ORDINANCE appropriating \$55,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Contribution Agreement between the City of Houston, **PORT OF HOUSTON OF HARRIS COUNTY**, and **HARRIS COUNTY** for Freight Rail Conflict Elimination Study, GFS N-0670-08-2 (SB9219) - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. ORDINANCE 2005-0239 ADOPTED.

Council Member Sekula-Gibbs stated that she wanted to thank the Council Members for voting for Item No. 27 and to Mayor White for putting the item on the agenda, that it gave the City of Houston an opportunity to support a study that would create the concept of super corridors which would build freight rail tracks that would take freight out of the neighborhood and reduce congestion and promote safety and allow better movement of freight in large areas away from the neighborhoods.

Council Member Berry stated that he wanted to make the same comment that Council Member Sekula-Gibbs made and wanted to commend the administration for working with Harris County and the Port to make it happen and at the Mayor's direction they were going to have a townhall meeting relatively soon on the issue, along with Council Members Galloway and Wiseman, on at grade crossings and how to eliminate some of the congestion there, that it was part of an overall effort with mobility and public safety to work with the railroads to make sure that they could improve the situation.

29. ORDINANCE approving and authorizing Professional Structural Engineering Services Contract between the City of Houston and **POLYTECH, INC. D/B/A PTI, INC** for Structural Engineering Services - \$100,000.00 - Dangerous Building Consolidated Fund - was presented.

Council Member Lawrence stated that she appreciated the ordinance coming forward and thought it would help speed up dangerous buildings being torn down by having the money set aside for engineers, that she had a number of situations in District A that she looked forward to taking advantage of the ordinance.

A vote was called on Item No. 29. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. ORDINANCE 2005-0240 ADOPTED.

30. 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 Services Revolving Fund - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. ORDINANCE 2005-0241 ADOPTED.

31. ORDINANCE appropriating \$48,000.00 out of PIB Petroleum Storage Tank Reimbursement Fund as an additional appropriation for Professional Environmental Consulting Services; GFS D-0073-03-2; under contract with **RAO ENVIRONMENTAL** (approved by Ordinance No. 01-0796) **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. ORDINANCE 2005-0242 ADOPTED.

33. ORDINANCE appropriating \$1,723,769.44 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **TROY CONSTRUCTION, L.L.P.**, for Water Distribution System Rehabilitation and Renewal, GFS S-0035-G4-3 (WA10817-01); providing funding for engineering testing services and contingencies relating to

construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. ORDINANCE 2005-0243 ADOPTED.

43. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 132**; making various findings and provisions relating to the subject - was presented, and tagged by Council Members Wiseman and Sekula-Gibbs.
- 43a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located 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; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 132; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 132 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented, and tagged by Council Members Wiseman and Sekula-Gibbs.
44. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109**; making various findings and provisions relating to the subject - was presented, and tagged by Council Members Wiseman and Sekula-Gibbs.
- 44a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located 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; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 109; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 109 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented, and tagged by Council Members Wiseman and Sekula-Gibbs.
45. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153**; making various findings and provisions relating to the subject - was presented, and tagged by Council Members Wiseman and Sekula-Gibbs.
- 45a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 153 annexed for limited purposes; assigning annexed areas to adjacent District from which District Council Member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented, and tagged by Council Members Wiseman and Sekula-Gibbs.

At 10:16 a.m. Council Member Green moved to recess for five minutes, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent on

city business. Council Member Edwards absent due to being ill. MOTION CARRIED.

At 10:28 Mayor White reconvened the meeting asked the City Secretary to continue with the next item. Council Members Quan and Berry absent.

**MATTERS HELD** - NUMBERS 55 through 59D

55. 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 - **(This was Item 44 on Agenda of February 23, 2005, POSTPONED BY CONSENT)** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Berry absent. ORDINANCE 2005-0244 ADOPTED.
56. RECOMMENDATION from Director Planning & Development Department to accept the January 2005 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program - **(This was Item 44 on Agenda of February 23, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Berry absent.

Council Member Garcia moved to postpone Item No. 56 for one week, seconded by Council Member Alvarado. Council Member Berry absent.

Mayor White stated that the Agenda Director had indicated that Item Numbers 56 and 56a were not time sensitive. Council Member Berry absent.

A vote was called on Council Member Garcia's motion to postpone Item No. 56. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Berry absent. MOTION 2005-0214 ADOPTED.

- 56a. RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$8,440,931.80 to Combined System Operating Fund (Fund #702) for revenue bond debt service as recommended in the January 2005 Semiannual Report of the Capital Improvements Advisory Committee (CIAC) - **(This was Item 44 on Agenda of February 23, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Member Berry absent.

Council Member Garcia moved to postpone Item No. 56a for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Berry absent. MOTION 2005-0215 ADOPTED.

57. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Director Houston Airport System for approval of membership fees in Industry Organizations (Airport Council International & American Association of Airport Executives) for the period January 1, 2005 through December 31, 2005 - \$184,199.00 Enterprise Fund - **(This was Item 6 on Agenda of March 2, 2005, TAGGED BY COUNCIL MEMBER HOLM)** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Berry absent. MOTION 2005-0216 ADOPTED.

58. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Finance & Administration to **AMEND MOTION #2001-747, 7/3/01, as amended by Motion #2004-650, 6/9/04, TO EXTEND** expiration date from July 12, 2005 to July 11, 2006, for Detroit Diesel Replacement Parts Contract for Various Departments, awarded to **STEWART & STEVENSON SERVICES, INC - (This was Item 16 on Agenda of March 2, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. Council Member Berry absent. MOTION 2005-0217 ADOPTED.
59. WRITTEN Motion presented by Council Member Alvarado (as amended by Council Member Garcia) to amend Item 59D as follows: (Note: Was Item 18 on Agenda of March 2, 2005.)
- Renumber Sections 3 and 4 as Sections 4 and 5, respectively, and add a new Section 3, as follows:
- Section 3. That eighteen months after passage, the Mayor and City Council shall consider an ordinance containing provisions for a plan to further limit areas in which employees would be exposed to second-hand smoke; and Independent 3<sup>rd</sup> party study to be conducted as agreed upon by stakeholders (namely health organizations and business interests) and presented to council in 18 months. (**TAGGED BY COUNCIL MEMBER WISEMAN**) - was presented.

Council Member Sekula-Gibbs stated that she wanted to offer a motion to amend Item No. 59 to say “that six months after passage they would bring this back for consideration of provisions so that they would have an opportunity for this Council”, that after discussing it with the author of the amendment she said that it may be a little premature because the actual implementation would not go into affect for six months so maybe they should actually make it nine months, that would give them a chance to have the present Council make adjustments to it versus pushing it of to a future Council, that it would really be a three month study, six plus three, so she would correct herself in midstream because it was kind of work in progress, that her ultimate goal was to not push it off to another Council, they had gone through literally six months of education and participation with the public and to push it off to the next Council, she really thought it was unfair to the next Council, that it was their business and they were passing the ordinance and they ought to deal with the consequences of the ordinance, so she thought whatever studies they had they could have them generated, sales tax data could come in in three months and they could know if they had adjustments that could be made in that period of time, so she would say to amend that in nine months after passage, that the Mayor and the City Council shall consider an ordinance containing provisions, and the motion to amend was tagged by Council Member Galloway.

Mayor White stated that he was trying to build a consensus of Council, that a number of Council Members had requested the opportunity to consider the motions by Council Members Sekula-Gibbs and Quan first, a majority of Council had expressed that view, regardless of their views on the merit of those two.

Council Member Quan stated that he thought it was certainly a reasonable idea to look at the ones that had the most restrictions and then work their way down, that he had conferred with Council Member Sekula-Gibbs and was willing to let her amendment go forward and then he would make amendments to her amendment and withdraw his amendment.

Mayor White stated they would suspend deliberations on Item No. 59 and take Item Numbers 59b and 59c out of order.

Council Member Ellis asked if Council Member Galloway had tagged Council Member Sekula-Gibbs motion to amend Item No. 59 only and Mayor White stated that Council Member

Galloway tagged the oral amendment offered by Council Member Sekula-Gibbs.

Council Member Quan moved to consider Item Numbers 59b and 59c at this time, seconded by Council Member Sekula-Gibbs, and Mayor White stated that they supported it, that it seemed the logical order to proceed.

A vote was called on Council Member Quan motion to consider Item Numbers 59b and 59c at this time. All voting aye. Nays none. Council Members Edwards and Goldberg absent on city business. MOTION 2005-0218 ADOPTED.

Mayor White stated that the administration's position had not changed in support of the amendment by Council Member Alvarado and the main item and its opposition to other items.

59b. WRITTEN Motion presented by Council Member Sekula-Gibbs:

I move that Section 21-237(c)(2) of Agenda Item 59D be amended to read as follows:  
(Note: Was Item 18 on Agenda of March 2, 2005.)

(2) Further, the following areas, or portions thereof, may be designated as exception areas:

- a. A Tobacco specialty retail shop;
- b. A room or hall being used for private functions;
- c. A room or area that is being used as a hospitality suite at a stadium;
- d. A separately enclosed private individual office or work area or occupancy within a large multi-tenant building; and
- e. Restaurant outdoor seating area, provided that a separate nonsmoking section is provided in the outdoor seating area - **(TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented.

Council Member Quan stated that he wanted to offer a motion to amend Council Member Sekula-Gibbs Item No. 59b, that they had a meeting on Monday and thought it was a productive meeting, that individuals were able to come forward and express concerns they had with the proposed amendments to the ordinance, and offered the following motion to amend Item No. 59b:

"I move that Section 21-237(c)(2) of Agenda Item 18 be amended to read as follows:

(2) Further, the following areas, or portions thereof, may be designated as exception areas:

- a. A lounge bar;
- b. A tobacco specialty retail shop;
- c. A convention center exhibit area;
- d. A room or hall being used for private functions;
- e. A room or area that is being used as a hospitality suite at a stadium; and
- f. A separately enclosed private individual office or work area or occupancy within  
a large multi-tenant building.

Council Member Sekula-Gibbs stated that she would accept Council Member Quan's motion to amend Item No. 59b, tagged by Council Member Galloway.

Council Member Sekula-Gibbs moved to override the tag, seconded by Council Member Quan.

Mayor White stated that despite the fact that there were two Council Members absent, he thought they ought to move on and deal with the items, that certainly people had plenty of time to try and work out language and substitutes.

After discussion by Council Members, Council Member Quan stated that he was willing to pull down his amendments to amend Council Member Sekula-Gibbs Item No. 59b instead, if

that would gain consensus among the Council. Council Member Berry absent.

After further discussion Council Member Galloway stated that she would release her tag on Council Member Quan motion to amend Item No. 59b and substitute language.

Mayor White stated that there was a motion to substitute certain language by Council Member Quan, which was seconded by Council Member Sekula-Gibbs.

A vote was called on Council Member Quan motion to substitute language for Item No. 59b. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. MOTION 2005-0219 ADOPTED.

After further discussion by Council Members, a roll call vote was called on Item No. 59b as substituted by written motion by Council Member Quan.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting no
Council Member Goldberg absent on city business.	Council Member Quan voting aye
Council Member Edwards absent due to being ill.	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting no	MOTION 2005-0220 FAILED.

59c. WRITTEN Motion presented by Council Member Quan to amend Sections 21-236 and 21-237 of the Code of Ordinances as attached to ban smoking in public places including:

- Large multi-tenant buildings
- Lounge bars
- Private function events in public buildings
- Covered parking garages
- Bingo Halls
- Pool Halls
- Sporting venues
- Restaurant bars
- Convention Center Exhibition Areas
- Lobbies
- Hospitality suites at stadiums

Accordingly, the following sections are to be deleted/modified under this amendment as outlined in the attached red-lined version. (red-lined version on file in the Office of the City Secretary)

This ban would include all public and work places except those otherwise allowed by Section 21-237. These exceptions are:

- An enclosed bed space area of a hospital or nursing home used to two or more patients
- A hotel or motel sleeping room rented to guests
- A tobacco retail store
- Restaurant outdoor seating area, provided that a separate nonsmoking section is provided in the outdoor seating area. - **(TAGGED BY COUNCIL MEMBERS WISEMAN and LAWRENCE)** - was presented.

Council Member Quan moved to table Item No. 59c, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. MOTION 2005-0221 ADOPTED.

59. WRITTEN Motion presented by Council Member Alvarado (as amended by Council Member Garcia) to amend Item 59D as follows: (Note: Was Item 18 on Agenda of March 2, 2005.)

Renumber Sections 3 and 4 as Sections 4 and 5, respectively, and add a new Section 3, as follows:

Section 3. That eighteen months after passage, the Mayor and City Council shall consider an ordinance containing provisions for a plan to further limit areas in which employees would be exposed to second-hand smoke; and Independent 3<sup>rd</sup> party study to be conducted as agreed upon by stakeholders (namely health organizations and business interests) and presented to council in 18 months. **TAGGED BY COUNCIL MEMBER WISEMAN** - was again before Council.

After discussion by Council Members, Council Member Sekula-Gibbs stated that they had indications from the Heart Association, the Cancer Society and the Lung Association that they were not interested in being a part of this and asked who was going to pay for it.

Council Member Garcia stated that at least the business interests were willing to share the cost of such a study, that they supported it and believed that it would allow for a standard of evaluation on the matter and give Council great information to deliberate on.

Council Member Alvarado stated that the study that Council Member Sekula-Gibbs was talking about was the friendly amendment that she had accepted from Council Member Garcia, that her whole point about the 18 months, she thought, was a fair and reasonable approach so that it would give them time to review how the ordinance had been implemented and then deal with the enforcement side.

Council Member Quan stated that he wanted to ask the administration of their sincere commitment to follow through on further research and hoped they would not wait for 18 months and start the discussion soon, that he thought they owed it to all the people who came to testify before City Council that they do take action, and Mayor White stated that it was a sincere effort, that he thought there may be fears and apprehensions out there if they did some statistical analysis and knew there may be fears and apprehensions of what would occur if other jurisdictions were not moving in a coordinated fashion within their region and would work to make sure they had that kind of statistical analysis and that they were working with other jurisdictions.

Council Member Ellis stated that he thought the ordinance that was proposed by the Mayor was a good compromise and suspected if they put anything out that was not a complete ban it would not have been enough for the anti smoking group, that he looked at Council Member Alvarado's amendment and with all due respect did not see what it accomplished, the language that bothered him was that it said "they shall come back and consider containing provisions for a plan to further limit areas in which a client would be exposed to second hand smoke", that it basically said they were not doing enough today, that respectfully he would vote "no" against this amendment but would vote on the second amendment.

Council Member Berry stated that he did not know as much about the issue as he did today and was not necessarily convinced that it was the best use of so many hours of their collective City government's time, that the only issue that really ever struck a cord with him was making sure that employees, in their workplace, had the opportunity to have a smoke free environment in their workplace, that if they did not like smoking restaurants they should not go to them, that he was voting for Council Member Alvarado's amendment and voting against the main issue.

A vote was called on Item No. 59. Council Members Wiseman, Ellis and Holmes voting

no, balance voting yes. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. MOTION 2005-0222 ADOPTED.

59a. WRITTEN Motion presented by Council Member Alvarado to amend Item 59D as follows:  
(Note: Was Item 18 on Agenda of March 2, 2005.)

Add a new Section 3 to read as set forth below, and renumber the subsequent Sections as necessary.

Section 3. That the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 21-247 that reads as follows:

“Sec. 21-247. Violations; penalty.

Whenever in this article an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in this article the doing of any thing or act is required or the failure to do any thing or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine not to exceed \$2,000. Each violation shall constitute and be punishable as a separate offense. Prosecution or conviction under this provision is cumulative of and shall never be a bar to any other civil or administrative remedy provided or allowed in this article or by law.” - **(TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented.

After discussion by Council Members a vote was called on Item No. 59a. Council Members Wiseman, Sekula-Gibbs and Holmes voting no, balance voting yes. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. MOTION 2005-0223 ADOPTED.

59d. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Smoking in Public Places - **(This was Item 18 on Agenda of March 2, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN, LAWRENCE and GREEN)** - was presented as amended.

After a lengthy discussion by Council Members, Council Member Garcia asked the administration's support that in the implementation process of the ordinance that restaurants that would be allowing smoking to clearly state, with a sign at the entrance, indicating that smoking was allowed.

After further lengthy discussion a roll call vote was called on Item No. 59d.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg absent on city business.	Council Member Quan voting no
Council Member Edwards absent due to being ill.	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting no	ORDINANCE 2005-0245 ADOPTED AS AMENDED

Council Member Khan stated that he would release his tag on Item No. 3.

3. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$11,180,149.34 and acceptance of work on contract with **STEWART-MATL, LTD** for HAS Administration Building Renovation, Expansion and Addition at George Bush

Intercontinental Airport/Houston; Project No. 562B; CIP A-0390 and A-0422 - 07.60% over the original contract amount - **DISTRICT B - GALLOWAY** - was again before Council. All voting aye. Nays no. Council Member Goldberg absent on city business. Council Member Edwards absent due to being ill. MOTION 2005-0224 ADOPTED.

Mayor White stated that they had present in the audience Mr. Jim Hayes, the CEO of Junior Achievement, Inc., and asked that he stand and be recognized.

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

Council Member Khan stated that their Crime Prevention Summit was on March 28, 2005, that he had a commitment from Council Member Garcia and almost all of the At Large Council Members to be there, that the community was really looking forward to addressing their concerns to the Chief of Police, his commanding staff and the Council Members about the crime situation all over Houston, particularly in southwest Houston, that it would be at Houston Baptist University, at Highway 59 and Fondren, from 5:00 p.m. to 7:00 p.m. Mayor White and Council Members Lawrence and Holm absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that he wanted to raise the issue of vendors in the City, especially in southwest Houston, that he understood there was some kind of permitting process where they could get a 40 day permit for \$50, but many times they saw that they were putting up garage sales every week and selling used items like used mattresses, which was a health hazard, that he would like to address the issue and his office was looking to holding a townhall meeting on the issue in a couple of months. Mayor White and Council Members Lawrence, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that he looked forward to going with the Mayor and other Council Members to Austin. Mayor White and Council Members Lawrence, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that he wanted to thank them for passing the smoking ordinance today. Mayor White and Council Members Lawrence, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that the next regularly scheduled meeting of the Neighborhood Housing and Redevelopment Committee would be on Thursday, March 17, 2005 in Council Chambers, that they had several interesting topics that they needed discussion on and the Bureau of Animal Control and Regulation would be doing a presentation on the follow up of what had transpired since the January meeting. Council Members Lawrence, Holm and Sekula-Gibbs absent.

Council Member Quan stated that as to the allocation of CDBG Funds, they had approximately \$12 million to \$14 million that needed to be reallocated very quickly and the department would present a plan on how those monies would be reallocated, that they had also seen on the news concerns regarding the hotels that the City had helped finance, the Magnolia and Crowne Plaza, that he had asked the director to give an update on where the City stood financially on those two hotels as well. Council Members Lawrence, Khan, Holm and Sekula-Gibbs absent.

Council Member Quan stated that discussion was held today regarding Kipp Academy and that was part of their Consolidated Plan process and he had asked for an update on how the Consolidated Plan was proceeding as well. Council Members Lawrence, Khan, Holm and Sekula-Gibbs absent.

Council Member Quan stated that he did applaud the Mayor's efforts on moving the smoking ordinance forward but did not feel that they went quite far enough but thanked him for

bringing it on the agenda so they could have a discussion on it. Council Members Lawrence, Khan, Holm and Sekula-Gibbs absent.

Council Member Berry stated that to any group out there that was trying to be a part of the governing process, good advice would be to come to Council and be a lot more positive because it was very difficult to sit in the Council seats and make decisions that were in the best interest of the entire City. Council Members Lawrence, Khan, Holm, Quan and Sekula-Gibbs absent.

Council Member Berry stated that they had a few issues with the Parks Department, that they had brought to their attention, and he got a quick response, that he had noticed in that department morale and operations had improved considerably under their current director and thought Mr. Joe Turner was doing a wonderful job. Council Members Lawrence, Khan, Holm, Quan, and Sekula-Gibbs absent.

Council Member Berry stated that he wanted to thank his colleagues for paying such a nice tribute to Fire Captain Kurchow and he appreciated it, that the family asked that he thank all of the City Council. Council Members Lawrence, Khan, Holm, Quan, and Sekula-Gibbs absent.

Mayor White stated that Council Member Berry had been very consistent in telling him that he and others in the administration needed to do more constantly on employee recognition, that they surveyed employees around the City and they appreciated it when there was recognition. Council Members Lawrence, Khan, Holm, Quan, and Sekula-Gibbs absent.

Council Member Wiseman stated that last night they had a very successful community meeting in Kingwood for the Kingwood Community Center, that they had a planning meeting for the community center and asked that they plan their community center and it was such a welcome to the community to have an opportunity to plan for it themselves, that she wanted to thank the City employees who played a major part in it, Mr. Joe Turner and his staff. Council Members Lawrence, Khan, Holm, Quan, and Sekula-Gibbs absent.

Council Member Galloway stated that she wanted to thank a lot of her constituents and colleagues during her time of bereavement, that she appreciated their calling and sending cards. Council Members Lawrence, Khan, Holm, Quan, and Sekula-Gibbs absent.

Council Member Galloway stated that she wanted to thank all of the participants in the CIP meeting that was held at the Kashmere Multi Purpose Center, that Mr. Marcotte had a majority of his entire staff in every area at the CIP meeting and thought it was the most turnout of employees in one department than every before and wanted to thank him for his consideration and also everyone who participated. Council Members Lawrence, Khan, Holm, Ellis, Quan, and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she wanted to thank Chief Lumpkin, that they went out on a tour of her district and he could see some of the abandoned buildings and dangerous buildings and weeded lots, that he was going to be working diligently with her to get some of those situations remedied. Council Members Lawrence, Khan, Holm, Ellis, Quan, and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she wanted to thank Mr. Terrance Fontaine, that they had their railroad committee meeting with Council Members Alvarado and Berry and their interest with what they were trying to do with the railroad and all the problems that were happening with the trains, that she wanted to thank Mr. Fontaine for touring some areas that he was not aware of and that they wanted to give notice on for the upcoming townhall meeting on the railroads. Council Members Lawrence, Khan, Holm, Ellis, Quan, and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she wanted to give a special kudos to Mr. Eric Dargen in Right-of-Way Maintenance for the project that was under way in the Fifth Ward area where they had a large project for overlaying of streets. Council Members Lawrence, Khan, Holm, Ellis, Quan, and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Galloway stated that as to the handicap parking that was located on the side of City Hall, she noticed the sign up there yesterday but she had gotten some concerns from her constituents who were handicapped and had received a ticket for parking in the handicap area on the side of the gift shop where it was noted, that she did not know how far the handicap parking extended from Bagby Street to McKinney but they had a sign there and she wanted the administration to check into that because she did not want the citizens who were handicapped to come to Council and be subjected to a parking ticket for parking in an area that they assumed was designated as handicap parking. Council Members Lawrence, Khan, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she had some townhall meetings coming up, that the first one was on April 12, 2005 at 6:30 p.m. at Restoration Temple on the corner of Langley and Hirsh Road, that at this meeting they would be giving the community an update on the Northeast Multi Purpose Center, that the next meeting would be on April 13, 2005 at the Kashmere Multi Purpose Center, 4802 Lockwood and the last meeting would be at the Acres Homes Multi Service Center, at 6719 West Montgomery on April 14, 2005, that the Kashmere meeting was for mostly the northeast area as well as Pleasantville and Fifth Ward, the Acres Homes was for the Greenspoint and Acres Homes community and the Restoration Temple was for the Scenic Woods and Settagast and the northeast area. Council Members Lawrence, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Galloway stated that there was a difference and people were talking about it, that more abandoned houses were being torn down than ever before and more lots were getting cut but they still had a long way to go. Council Members Lawrence, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that on the Mayor's Report next Wednesday they would have a little report about the acceleration of the program. Council Members Lawrence, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to welcome the member schools of the Thurgood Marshall Scholarship Fund who were in town this week for their annual President and Member Schools Professional Conference which was held at the Renaissance Hotel in Greenway Plaza. Council Members Lawrence, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to thank Sergeant Fuller of HPD Mounted Patrol Division and Mr. Hubert "Pop" Watson for going out of their way to provide him with a horse for the Houston Livestock Show and Rodeo. Council Members Lawrence, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that his office sponsored a community cleanup in the Fifth Ward this weekend and he wanted to thank Council Member Galloway for coming by and also helping to get the word out, along with Ms. Robin Blutte and Keep Houston Beautiful and Mr. Buck Buchanan, Solid Waste Department, the Harris County Probation Department for providing a work crew, Officer Howard Martin, HPD, for providing patrol services in the area during the cleanup and also the Mayor's Citizens office and some of the staff members and the Fifth Ward Weed and Seed Representative for getting the word out to the community. Council Members Lawrence, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to congratulate Ms. Yvonne Sanders who married Mr. Charles Williams on Saturday at Saint John's United Methodist Church Downtown, that it was a great service and they wished her and her husband well in their future life together. Council Members Lawrence, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to recognize Mr. Mike Martinez and others for the great job that was done on the March on Crime in the Northside BOND Parade, that it was a tremendous turnout and great participation. Council Members Lawrence, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that that he wanted to remind folks that this Saturday was the YMCA Trash Bash that would be held at Moody Park and would encourage everybody to come out and give them a hand. Council Members Lawrence, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that on Saturday as well there would be a public meeting at Sam Houston High School to talk about the concerns that the community had with issues effecting Sam Houston High School, that they were expecting a large turnout. Council Members Lawrence, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that on Monday would be the Council committee meeting on Homeland Security and they would be getting an update from Chief Hurtt on the use and implementation of tasers, that they would also have an update on the 2005 Justice Assistance Grant that would require a resolution from the committee. Council Members Lawrence, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that Ms. Christina Cabral was featured on Univision as a prominent Latina on the Mayor's staff, that she was a tremendous role model for other Latinas and young ladies in the community, that she was doing a wonderful job, that he wanted to thank Univision for recognizing her. Council Members Lawrence, Galloway, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she too wanted to congratulate Ms. Cabral. Council Members Lawrence, Galloway, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to thank Mayor White for putting the smoking ordinance on the agenda, and wanted to thank Council Member Sekula-Gibbs for the hard work and passion she put into it, that she appreciated it, that she looked forward to working with her to expand it and go to the next step. Council Members Lawrence, Galloway, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to thank Council Member Alvarado for acknowledging her. Council Members Lawrence, Galloway, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to comment about some immunization work that was being conducted in partnership with the Fire Department and Blue Cross Blue Shield, that a group called the Caravan Program was an ongoing program being conducted weekly, that it would start on Thursday, March 10, 2005 and it was for children under the age of 18 and would be at various fire stations throughout the City, that it would be from 4:00 p.m. to 7:00 p.m. and parents were encouraged to take their children for free immunizations at the fire stations, that the first one would be at Fire Station No. 48, 11616 Chimney Rock, and they could check on the website called HoustonFire.com, that they could call 311 for further information and she encouraged everyone to take advantage of the

opportunity. Council Members Lawrence, Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that they had an increasing amount of phone calls regarding the truck loading zone ordinance, that people were citing several concerns they had, that the permits were too high and that they were having to pass through costs to their business customers and also that the permits they had to obtain at 611 Walker was inconvenient and they were asking for other places to get the permits, and Mayor White stated that parking management had a lot of problems, which was why he had asked Council Member Alvarado to come up with a task force to make recommendations concerning either an authority or board that had public oversight, and Council Member Sekula-Gibbs stated that she had not seen a report on the number of tickets issued under the ordinance or a number of the permits that had been obtained by stakeholders and wanted an update on where the ordinance stood, that she wanted a copy of whatever report there might be. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:09 p.m. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary