

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 15, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Assistant Agenda Director present. Council Member Gordon Quan out of the city on city business.

At 2:04 p.m. Mayor Pro Tem Alvarado stated that Council would begin with presentations starting with Council Member Lawrence. Council Member Lawrence invited those present to the podium and stated that today she was recognizing Youth Art Month; that young people were the future of the city and art education contributed powerful benefits which developed creative problem solving and critical thinking abilities; and presented a Proclamation to one of the representatives proclaiming March as "Youth Art Month"; and the representative stated that art shaped culture over the centuries, presented art work to the Mayor and Council from the Humble and Katy ISD's and thanked Mayor White, Gigi Lee and Pam Ingresol for their help. Mayor White, Council Members Galloway, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that today they were recognizing Sister Cities Young Artist Program, it was the ninth year for the competition and the theme this year was connecting global villages; and invited the president of Sister Cities Houston to the podium who stated that she wanted to recognize winners of the annual program and invited each winner to the podium and presented them a Certificate of Recognition. Council Members Galloway, Garcia, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that she was excited when Houston rose to its international level and asked Mayor White to make the presentation. Mayor White stated that today they were honoring ambassadors from Sierra Leone to the United States and to the United Nations; that there were many brave people there who had been in the prayers of many; and presented Proclamations to Ambassador Ibrahim M'baba Kamara and Ambassador Joe Robert Pemagbi appointing them as honorary citizen and to serve as goodwill Ambassador of Houston. Council Member Edwards stated that the goodwill Ambassadors were present to establish a counselor office in Houston and to look at developing economic and trade relations; and thanked Ms. Judith Momo who lived in Houston and did great work regarding HIV and AIDS along with her husband here in Houston. Council Members Goldberg, Garcia, Ellis and Sekula-Gibbs absent.

At 2:28 p.m. Mayor White called the meeting to order and called on Council Member Lawrence who invited Pastor Jeff Reese of the Garden Oaks Baptist Church to lead in the prayer; and Council Member Lawrence led all in the pledge. Council Members Goldberg, Garcia and Sekula-Gibbs absent.

At 2:31 p.m. the City Secretary called the roll. Council Member Quan out of the city on city business. Council Member Sekula-Gibbs absent.

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

Council Member Wiseman moved that the rules be suspended for the purpose of hearing Mr. Barry Turney and Mr. Bill Anderson after Mr. Glenn Bogs, seconded by Council Member

Berry. All voting aye. Nays none. Council Member Quan out of the city on city business. Council Members Garcia and Sekula-Gibbs absent. MOTION 2005-0225 ADOPTED.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Mr. Otis Jordan, Ms. Sandra Lopez and Ms. Kay Schiller at the top of the three minute non agenda speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Quan out of the city on city business. Council Member Garcia absent. MOTION 2005-0226 ADOPTED.

Council Member Khan moved that the rules be suspended for the purpose of hearing Mr. Belay Gemecheu, Mr. J. W. Messeh, Mr. Binssong Binssong and Mr. Godwin Njoku out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan out of the city on city business. Council Member Garcia absent. MOTION 2005-0227 ADOPTED.

The City Secretary started calling the speakers. Council Member Lawrence absent.

Mr. Glen Bogs, 5535 Green Timbers, Humble, Texas (281-852-8006) appeared and stated that he was a resident of Harris County MUD 109 and he wanted to thank the City Council and Legal Department for offering a opportunity for a 30 year limited partnership agreement with the City of Houston for a 1% sales tax; that he believed it was a good proposition and urged Council to pass the item.

Council Member Berry stated that last week this was tagged; and upon questions, Mr. Bogs stated that the majority of citizens in Atascocita were very uninformed; that he was in favor of it and felt once they were aware of it they would be in favor also. Council Member Lawrence absent.

Council Member Galloway moved that the rules be suspended for the purpose of adding Ms. Patricia Dinnon to the list of speakers after Mr. Otis Jordan, seconded by Council Member Green. All voting aye. Nays none. Council Member Quan out of the city on city business. Council Member Lawrence absent. MOTION 2005-0228 ADOPTED.

Mr. Barry Turney, 6711 N. Bay Crest Circle, Humble, Texas (281-359-7269) appeared and stated that he lived in Atascocita, MUD 152, and the agreement with MUD 132 was unfair to the rest of the 80% residents; and urged a no vote on the item until a fair agreement for all could be reached. Council Member Lawrence absent.

Mr. Bill Anderson, 19802 Powers Court Drive, Humble, Texas 77396 (281-784-7944) appeared and stated that he lived in Atascocita, MUD 151, and today he was in opposition to the SPA with MUDs 109, 132 and 153 specifically because of the lack of communication with the public and accommodations for the disabled; that the MUDs were now changing procedures of notification as they realized they were inadequate; and urged a no vote from Council on the flawed process. Council Members Lawrence, Khan, Garcia and Berry absent.

Upon questions by Council Member Edwards Mr. Cheatham stated that because of the time limits if Council did not vote to approve the agreements tomorrow the time limits in the statute would be passed and if the city and the MUDs wished to do a limited purpose annexation they would have to start the process over from step one; that beyond that it was up to the discretion of Council. Council Members Lawrence, Goldberg and Garcia absent.

Mayor White stated that as he understood it some citizens had objections of procedures of the MUDs and Council Member Edwards raised the issue of the obligation and responsibilities of this body; that he felt he had obligations to the residents of this city who were the taxpayers to forego revenues on the basis of agreements signed by the MUD representative if the proper procedures were filed and to that he would give the highest weight to the residents who elected him and the taxpayers and if there was a problem with the politics or the Administration or

notices of the MUD to the extent they were not responsible then certainly he did not think the city wanted to be complicit in any conspiracy, they wanted to observe the law and would encourage their partners to do so. Council Members Lawrence, Goldberg, Khan and Garcia absent.

Mr. Jerry Berry, 19918 Hickory Wind Drive, Humble, Texas 77346 (281-852-4968) appeared and stated that he was speaking in opposition to the proposed agreement with MUDs 109, 132 and 153, that he was a resident of Atascocita MUD 151 and the first round of hearings were unnoticed until it was in the Observer newspaper; that there was no substantiation for the comment that the majority of Atascocita residents were in favor of the SPAs and at the meeting he attended residents were angry at the notification process; that they were told by the board this was being done because of their fear of being annexed and they did not expect anyone to attend as there were only four folding chairs set up; that MUDs 132 and 153 had 100 plus turnout, standing room only, and the opposition to the SPAs were overwhelming and unanimous. Council Member Lawrence absent.

Upon questions by Council Member Berry, Mr. Berry stated that one problem expressed was the MUD boards had considered this for months, but waited until the last minute to inform anyone; that he felt people were complacent with the MUD boards; and Council Member Berry stated that they did need to take their complaints to the boards because it was their call. Council Member Lawrence absent.

Council Member Wiseman stated that no ads were taken out and the minimum required by law was met and therefore the MUD board followed the letter of the law but not the intent of the law; that the only notice was placed at the water tower and you had to drive around to find it; that the MUDs indicated in the future they would send notices in the monthly statements, but that goes back to the concerns that if it was that simple then why wasn't it done in the first place; and she appreciated him coming. Council Member Lawrence absent.

Mr. John Henderson, 20519 Woodsong Court, Humble, Texas 77346 appeared and stated that he was a member of Atascocita and MUD 132 for 26 years and he was asking Council to set this aside with a no vote and restore to an angry community some faith of a democratic government, to give the board time to change notification procedures and to identify the benefits; that at the meeting he attended members either could not or would not give them answers to questions and residents were unsatisfied; and he urged Council vote no. Council Members Lawrence and Holm absent.

Upon questions by Council Member Edwards, Mr. Henderson stated that the board was asked if they would delay and they said no. Council Members Lawrence and Holm absent.

Mr. Harold Dampier, 20407 Perry Oaks Drive, Humble, Texas 77346 (281-876-3111) appeared and stated that he was a resident of MUD 132 and he asked why they wanted to enter into a strategic partnership agreement with the City of Houston and what did they get for the money and the only benefit they got was not being annexed for 30 years and that type of agreement was a violation of the law, in looking at the Local Government Code, specifically Section 430751 subsection P, it said they may not require the district to provide revenue to the municipality solely for the purpose of obtaining an agreement to forego the annexation of the district and must provide benefits to each party including revenues, services and regulatory benefits that must be reasonable and equitable; and urged Council vote no as it was a violation of the government code. Council Members Lawrence and Holm absent.

Upon questions by Council Member Wiseman, Mr. Dampier stated that he taught government officials in Europe about democracy and that the cornerstone was transparency and the process used by the MUD was not transparent and Council should vote no; and Council Member Wiseman stated that she spoke with Congressman Ted Poe and he was a resident of one of the MUDs and was adamantly against the city taking action based on the lack of proper

notification and a letter was forthcoming; and Mr. Dampier asked those present opposing the item to stand to be recognized. Council Members Lawrence, Holm and Garcia absent.

Upon questions by Council Member Berry, Mr. Dampier stated because of notification, etc., he was asking that Council vote no and then when they reconsidered it next Fall he would come and report to them. Council Members Lawrence, Khan and Garcia absent.

Council Member Goldberg stated that some of the statutes cited were serious and would like the City Attorney to explain; and Mr. Cheatham stated that they did not think the agreements were illegal or not in compliance; that the agreements were negotiated by the City and the MUDs to what services they wanted and they wanted the fireworks ban extended there and a portion of the revenue could be used for anti lawful purpose. Council Members Lawrence, Khan, Garcia, Sekula-Gibbs and Berry absent.

Mr. Dennis Anga, 8251 Howard, Houston, Texas 77017 (713-643-4446) appeared, presented information and stated that he wanted to know why the city was using selective deed restrictions and putting people out of business and requested the Mayor and Council check into it. Council Members Lawrence, Wiseman, Khan, Garcia, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Ellis, Mr. Anga stated that he sold property at 3430 Reveille and it was a car lot; that from 1960 the property had always been commercial and almost every property on Reveille was a business. Upon further questions by Council Member Ellis, Mr. Cheatham stated that the Chief of Revenue and Compliance Division informed him when the property was owned by Mr. Anga it was the city's determination it was covered by residential deed restrictions and he was sent a letter; that Mr. Anga sold the property and those persons were now in litigation with the city over enforcement of the residential deed restrictions and the City Attorney's Office was confident of its position in this litigation. Council Members Lawrence, Wiseman, Khan, Sekula-Gibbs and Berry absent.

Council Member Khan stated that if there was a violation it needed to be enforced and he would request that such violations be enforced. Council Members Lawrence, Wiseman, Khan, Garcia, Sekula-Gibbs and Berry absent.

Dr. Dorothy Caram, 2603 Glen Haven, Houston, Texas 77025 (713-6655398) appeared and stated that she came today as a member of Cambridge Village Green, a 74 household village near the Medical Center; that there was a home there abandoned for 15 years, it had been the Counsel General of the Philippines home and office when they had representation in that fashion; that for three years they had tried to get the property sold; that it was worth close to \$300,000; and they were asking for Council's support. Council Members Lawrence, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Upon questions by Mayor White, Dr. Caram stated that she called Mr. Wyatt who was the owner and Counsel in the Philippines and who worked through Los Angeles; that they had been working through them for three years now and would like some pressure on them; and Mayor White stated that Mr. Cantu had the address and he would like him to write a letter to the Ambassador to take action on the property, indicating it was difficult to understand why they were leaving the money on the table, to copy the members of the local congressional delegation in expressing the concern of the neighbors and then he would sign and he should also send a copy to Dr. Caram. Council Members Lawrence, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Upon questions by Council Member Goldberg, Dr. Caram stated that the Philippines did not have a Counsel General office here; that they had an honorary Counsel and thought they were considering naming a new honorary Counsel here. Upon further questions by Council Member Goldberg, Mr. Cheatham stated that the city had a problem with another foreign counsel years ago and they discovered a division of the state department in the office of Foreign

Missions that could be helpful in the area and he would be happy to provide Mr. Cantu the information. Council Members Lawrence, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Mayor White stated that Mr. Cantu should make sure they copy the appropriate individual in the state department with the letter. Council Members Lawrence, Holm, Garcia and Sekula-Gibbs absent.

Ms. Martha Moreno, 10818 Vista Note, Houston, Texas 77076 (713-676-2368) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Holm, Garcia and Sekula-Gibbs absent.

Mr. Otis Jordan, 7663 South Glen Willow, Missouri City, Texas 77489 (281-723-3700) appeared, presented information and stated that the Houston Fire Department had been plagued by racial discrimination and as members of the Black Firefighters Association they felt when it came to race relations, etc., the department was out of control; gave examples from station 43 and station 46 such as a racial statement by a Captain at Station 43 who said why was he putting in for the only shift at the station that was not all Black and at Station 46 where Captain Whitehead was nicknamed Captain Whitehood by his crew and minorities were forced to leave or seek transfer; that Cadet Marrico Shepherd who passed out during a live burn at the training academy was subsequently terminated after returning to work and put back through the fire building without counseling, therapy or any follow-up to the accident, was in no condition or state to continue and was unable to effectively perform; and continued that upper management set examples and it needed to be stopped, then played a tape from cadet Shepherd with his experience and continued stating that policies were in place but were being ignored. Council Members Lawrence, Goldberg, Holm, Garcia and Sekula-Gibbs absent.

Council Member Galloway stated that the tape was muffled and asked Mr. Jordan to give a quick summary; and Mr. Jordan stated that cadet Marrico Shepherd called in and said he was possibly hazed, some months ago instructors were let go because they possibly did some wrong doing in the fire building and cadets were being burned; that he passed out and was in the hospital a couple of days and when that happens they go to counseling if needed, but it was not done for him; that he was about three weeks from finishing; and Council Member Galloway stated that she had been dealing with issues from other firefighters in the academy and some were reinstated and she hoped there would be sensitive training and hoped this Administration would look into the matter. Council Members Lawrence, Goldberg, Holm, Garcia and Sekula-Gibbs absent.

Council Member Green stated that he would not go over what Council Member Galloway said but obviously there was no one in the department to address their issues or they would not have to come to Council; that a year ago they came with the same complaints and maybe someone from the outside needs to look at sensitivity training. Council Members Lawrence, Goldberg, Holm, Garcia and Sekula-Gibbs absent.

Mayor White stated that in light of the legacy you need to beat it down; that the captain mentioned earlier who made a remark had been suspended while an OIG investigation went on and he was going to want to see the report on the investigation and would make sure all Council Members received a copy; that on diversity training Council Member Galloway was right and people needed to be equipped with the tools and Chief Boriskie started it with the balance to be completed by July 1, but that was not saying more could not be done. Council Members Lawrence, Goldberg, Holm, Garcia and Sekula-Gibbs absent.

Council Member Edwards stated that they were at the same place the Police Department was in during the 1980s and the issue of studying race in this country had never been done and without it they were wasting time; that she would suggest doing the same thing the Police Department did and Mayor White needed to be the leader and call for a halt; that people were fired on the spot for comments and they needed equality and equitability. Council Members

Lawrence, Goldberg, Holm, Garcia and Sekula-Gibbs absent.

Council Member Khan stated that the fact they were back was troublesome; that he heard people use the word tolerance and you tolerate some things but not other human beings; that every human being deserved respect and they needed a community where all was equal and it was the Mayor and Council's responsibility that no iota of prejudice be in departments and requested something be done; and Mr. Jordan requested that all look at number six in his handout. Council Members Lawrence, Goldberg, Holm, Garcia and Sekula-Gibbs absent.

Ms. Patricia Dinnon, who was previously added to the speakers list, appeared and stated that she was present to speak as a mother, her son was a fireman, she had two sons both had been in the military and Black and White was never an issue in her house; that if her home was on fire or she needed help she did not care what color anyone was she only needed help; that as a fireman you wanted to know someone had your back and she was a nurse and a patient did not care what color she was they only wanted a good nurse; that she could not understand this and there needed to be a stop put to it. Council Members Lawrence, Goldberg, Garcia and Sekula-Gibbs absent.

Upon questions by Council Member Galloway, Ms. Dinnon stated that her son was the one who requested a transfer to another station and she could not understand how you could get a transfer and then have it taken back; and Council Member Galloway stated that she would like the Mayor and Administration to look into it and would like a report on it. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia and Sekula-Gibbs absent.

Upon questions by Council Member Berry, Ms. Dinnon stated that her son could say what happened. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia and Sekula-Gibbs absent.

Council Member Berry stated that the rules would need to be suspended to hear her son at this time, seconded by Council Member Green. Mayor White stated if there was no objection he should proceed. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia and Sekula-Gibbs absent.

Mr. Kerry Turner stated that he was the firefighter at Fire Station No. 33 and he left it because of incidents, one being where the Captain told him to be aware of his cell phone, which all used as long as they were not on the apparatus, but the reason he was given for being warned was because a Black firefighter before him was let go because of staying on his phone; that he went to Station 43 to let him know he would be coming there and the captain said maybe he should go somewhere he would be more comfortable. Council Members Lawrence, Holm, Garcia and Sekula-Gibbs absent.

Mayor White stated that he thought shining the light of day on improper conduct and stereotyping was what they needed to do; that he was listening to Chief Hurtt who said anyone who drew from the pool of society where there was a lot of racism had to acknowledge some would have wrong attitudes and it was their job not to excuse it but to try and prevent it in the workplace and he believed he framed that in a good way. Council Members Lawrence, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that racism was a criminal offense in several countries and until this country decided it would not be tolerated it would stay. Council Members Lawrence, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Ms. Sandra Lopez, 2805 Lockett, Houston, Texas 77021 (713-842-9454) appeared, asked those with her to stand and be recognized and stated that they were present in opposition to the Texas Medical Center's plan to build a 500 space multilevel garage in their neighborhood; that in spite of their solid opposition the City Planning Commission voted February 10th in favor of

approving the Medical Center's request to replat the four lots and they are trying to protect themselves against the killer of eminent domain; that they wanted to thank Council Member Edwards and her assistant for their ongoing support and thank Mayor White and Council for showing interest and Rep. Coleman for introducing HB 2537. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that eminent domain was now a national issue and at Supreme Court level and thanked Ms. Lopez, her neighbors and Rep. Coleman; that the bill did not take away eminent domain from the Medical Center but tried to make it more transparent. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Mayor White stated that he did appreciate Ms. Lopez's attitude and something told him she would use this as an organizational effort to change the way these things were looked at. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Ms. Kay Schiller, 2805 Lockett, Houston, Texas 77021 (713-741-0650) appeared, presented information and stated that she was a member of Central City Preservation Coalition and present to give key points on HB2537 and formally ask for Council's support; that she gave each Council Member a copy of the HB as it stood today and Rep. Coleman's legislation would add an important step in the process of using eminent domain; that the proposed revisions would call for a hearing and for a certified notice to key individuals such as state senators and representatives of districts where eminent domain was to be used, the Mayor and governing body of each municipality and owner of record of each unit of real property affected by the use of eminent domain; that they were asking the Mayor and Council to extend full support to Rep. Coleman on the state level. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he knew people were taking notes and he was also asking Mr. Walsh, if the legislation is as described and he did not see what legitimate objections the TMC would have to this and he wanted Mr. Walsh to pose the question to them if they opposed it and if so why because notification to interested parties was basically a legal right and through the elected officials it seemed to be a reasonable step and then ask Mr. Walsh to pursue this specifically and then advise him of their position. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would request the city's lobby team include this Bill in their package, however appropriate it was to get it passed through. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. Belay Gemecheu, 11726 Birch Meadow Drive, Houston, Texas 77071 (832-419-2925) appeared and stated that he was present asking that the age limit for taxicabs be increased because of economic reasons and if it was well maintained it was good for a longer time. Council Members Lawrence, Goldberg, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. J. W. Messeh, P. O. Box 742713, Houston, Texas 77274 (713-545-4744) appeared, presented information and stated that the members of the Association of Taxicab Owners & Drivers, majority of cab companies including Liberty, Square Deal, National and Red Sea were appealing to the Council to amend the City Code Ordinance Section 46-20 for economic reasons; that they did not want to jeopardize public safety but there was no evidence a car was dangerous after six years; that you could not compare Houston and New York the population was different as New York was more densely populated; that they had statements from five certified mechanics to say how to keep a car on the line longer and they felt it could be done without any compromise to the public. Council Members Lawrence, Goldberg, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Messeh stated that they increased the age of the cabs from five years to six years in 1998; and Council Member Khan stated that he drives a 1998 and he had no intention of changing it and before that he drove a 1989 model and he drove that until 1999; that cars now were better built and lasted longer and he would request the Mayor look into this as cab drivers were suffering economically and he did not see why they could not go nine to ten years, but there was limitations which needed to be computed such as everyone knew the condition of an automobile depended more on mileage than age. Council Members Lawrence, Goldberg, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Messeh stated that they were going to do a 90 day study and if they were then he was asking that the cars stay on the line until that study was complete; and Mayor White stated that he had a lot of respect for him and his members and he was aware of the issue on meter rates; that he wanted people coming in to be impressed with Houston; that he understood the age limit in Dallas was four years; and upon questions, Mr. Messeh stated that he did not know the age limit in Dallas, but Austin was eight years; that there was no scientific evidence and this was purely politics; that volume purchasing would be of no beneficial benefit but what would be beneficial would be to have one insurance company and they were working on that. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Galloway, Mr. Messeh stated that they wanted to increase the years from six to eight; and Council Member Galloway stated regardless of years why could they not place limited miles; and Mr. Messeh stated that they had no objection to mileage for majority of cab drivers present; and Council Member Galloway stated that she would see what they could come up with. Mayor White, Council Members Lawrence, Goldberg, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Bissong Binssong, 8002 Bellaire Blvd. #1200, Houston, Texas 77036 (281-235-3448) appeared and stated that the issue was economic problems; that they did not think Council wanted them to go on welfare; and urged they use their good judgment as always. Mayor White, Council Members Lawrence, Goldberg, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Bissong stated that they came up with six years by citing safety reasons, but buses ran for fourteen years and did not compromise safety; and Council Member Khan stated that he would like the basis of why six years was chosen to be provided to him. Mayor White, Council Members Lawrence, Goldberg, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Ellis stated that he agreed with Council Member Khan with regard to evaluating the six to eight years and the appropriate place would be to send it to Council Member Goldberg's Regulatory Affairs Committee. Mayor White, Council Members Lawrence, Goldberg, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Godwin Kjoku, 1303 Gears Road, Houston, Texas 77067 ((832-297-3500) appeared and stated that at the end of the month the cars would be taken off and there was no scientific evidence they needed to be taken off; that people commented on how clean his car was and could not believe it was to be taken off the line; that he went to Mr. Godwin and was told he only did what he was told to do; that many people drove cars over six years; that they were suffering economically and if they let this happen it would cause some to go on welfare. Mayor White, Council Members Lawrence, Goldberg, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor

Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway moved to hear Mr. Harold Martin and Ms. Alberta Martin out of order; and Mayor Pro Tem Alvarado stated that there was no quorum but if there was no objection it would be done by consent. Mayor White, Council Members Lawrence, Goldberg, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Alberta Martin, 6802 Finch, Houston, Texas 77025 (713-633-5923) appeared and stated that she was 98 years old and present because of her water bill, it used to be \$8.50 then \$12.50, then she had bills for \$27.00, \$33.00, \$48.00; that she kept all her bills. Mayor White, Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Harold Martin, 8650 Tilgham, Houston, Texas 77029 (713-672-6786) appeared and stated that his mother's meter was not being read and he had pictures of the meter; that the attitude with the Water Department was bad and he always got the runaround; that he got a printout of her bills and it had a \$3.00 bill and they had all her statements and there was no \$3.00 bill; that Mr. McDonald said they could make mistakes and something needed to be done so people such as his mother did not have to suffer. Mayor White, Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that Mr. Gary Norman gave her a briefing on the water situation at her residence and they would be monitoring to see if it was correct; that she apologized if those in the Water Department were not customer friendly and he should write their names down; that if there was a mistake made by the city she would see it was corrected; and Mr. Martin stated that the bill now was for \$107.00 plus and she needed water and they wanted to make sure it was not cut off; that two bills were together; and Council Member Galloway stated that he should leave a copy of her bills with her and her staff would come get them. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to suggest Ms. Martin's water not be turned off until this was looked into and straightened out. Mayor White, Council Members Lawrence, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Deborah Elaine Allen, 1122 Sol Street, Houston, Texas 77029 (713-649-8358) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

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. Mayor White, Council Members Lawrence, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. John Johnson, 7102 Windemere, Houston, Texas 77088 (832-453-1900) appeared

and stated that he would suggest all important people be placed on the speakers list first so there would be no need to jog people all around on the list and make it look like someone's time was more important than other people's time; that he was present regarding land to be auctioned; that someone had a list of land to be auctioned and he found large contractors knew what was to be bid on way in advance of others which was not fair and also if they bought small lots it had to be re-platted at a \$5,000.00 charge to be able to build and it was all unfair. Mayor White, Council Members Lawrence, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that the city did not give anyone a list of properties; that a firm worked with them on foreclosures and any citizen was privilege to that information, if they got on the computer and went to HCAD it was open records and normally the cost set was what was owed in taxes. Mayor White, Council Members Lawrence, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Albert Mathews, no address given (713-738-2115) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Nia Colbert, 5800 Bayou Bent Court #706, Houston, Texas 77004 (713-747-7884) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Henry Nielson, 605 Joyce Street, Houston, Texas (713-247-2604) appeared, presented information and stated that after 15 years he was retiring from the City of Houston and wanted to ask the Mayor and Council to promote two projects of which he was involved, one being citizen of the year award where students with passing grades could be selected for practicing knowledge of good government and citizenship, but last year because of lack of resources and man hours they could not do the recognition and it was a great program; that the next concern was a project of naming a reading room after Len Radoff, during the process rules changed and they were asked to give \$50,000.00 for it to be named after him; that it would be a mistake for it to not be named after him because of the money; that he administered branch library operations during years of peak library growth and saw the neighborhood library system expand from eighteen to thirty four sites during his tenure, established the Parent Reading Program, an adult literacy program that targeted the illiterate parents of elementary school age children and helped them discover reading through sharing "wordless" books with their children, the special books and instruction were provided free through the program and organized the first Great Books Council of Houston group in 1949 that there was a request to name a reading form after Len Radoff at the Carnegie Library on Clifton Street; and he hoped the Mayor and Council could help with both of his issues. Mayor White, Council Members Lawrence, Galloway, Goldberg, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Dwight Bagile, 7810 Green River Drive, Houston, Texas 77028 (832-725-4141) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Tim O'Brien, 1303 Ruthbend, Houston, Texas 77019 (713-739-0011) appeared and stated that he was with the New Fourth Ward Homeowners Association, that they were low income homes in the Fourth Ward and they were having problems with the TIRZ; that they brought it to Council's attention in December, but the fact was the TIRZ contracted with Bernie Foreman which was a law firm and they had been ripping them off for three years; that they were to use paralegals and assistants to save money and yet during 2004 Vanessa Sampson was being paid \$150.00 and hour for sending faxes, posting notices, etc., that they also were to

get a percentage of bonds the TIRZ issued so it was a sweetheart contract where people in his neighborhood were being ripped off; and continued expressing problems with the TIRZ board and asked why nothing was being done. Mayor White, Council Members Lawrence, Galloway, Goldberg, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she had spoken with him and had his complaints and was looking into them, but did not know he wanted her to write the Attorney General and if he did she needed to know what he wanted her to ask and he should put it in writing. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Lenwood Johnson, 11111 Rubin, Houston, Texas 77047 (713-731-0495) appeared and stated that he was representing the Freedmen's Neighborhood Association and was present regarding the TIRZ; that because the law said notice had to be posted on the courthouse door it did not stop the entity from delivering notices to the door; that they lobbied the previous consultant for the TIRZ and they hand delivered to each household, but now Jenetta Burney of Burney and Foreman came in and all that ceased and it appeared even some board members were not notified because they knew they would disagree with what they were going to do; that they had to come to Council because those folks were appointed by Council and they were stealing money. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that they were making various serious allegations and if they were stealing they needed to be dealt with; that she tried to set up meetings to get to the heart of this, but if someone was stealing and he had information he had a responsibility to see that charges were filed. Mayor White, Council Members Lawrence, Galloway, Goldberg, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Cheatham stated that when the board set the meetings they had attorneys go to them and participate or observe at least and generally they kept track of what was going on; that Council approved the development plan and the TIRZ and redevelopment authorities carried it out, but anytime anyone had evidence something was amiss they should bring it to them and they would have it investigated by either the District Attorney or Police Department whichever was appropriate; and Council Member Khan stated that he would suggest someone look at the issue and see if there was a way to monitor; and Mayor Pro Tem Alvarado stated they would direct that to the Administration. Mayor White, Council Members Lawrence, Galloway, Goldberg, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Hilder M. Jones, P. O. Box 24043, Houston, Texas 77052 (no phone) appeared and stated that she was a minister and was living on the southwest side of Houston and applied for housing on Fountainview for her and her daughter; that she had gone through the Housing Authority for seven years and was a flood victim at Clayton Homes and they were going to put her on the north side of town and she disputed it as she had no knowledge of it and asked to be moved to Cuney Homes, but at this point they were both in need of a place to live and they were wrongly dismissed from their apartment in September 2004 and she disputed that she was late with the rent; that they had been to agencies and needed help. Mayor White, Council Members Lawrence, Galloway, Goldberg, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that someone from Mr. Cantu's staff would speak with her and perhaps refer her to someone for help. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Rona Milbauer, 710 N. Post Oak Road #305, Houston, Texas 77024 (713-681-3222) appeared and stated that she was a home builder and developer in Houston and recently came across a problem; that she purchased a lot and submitted a wastewater reservation letter to the city and received a response back with the application fee that would be required; that they submitted their building permits to a company which did their permitting and as of today it was there 70 days, then 13 days ago they received notice from the permitting company that there would be an additional fee of \$4,000.00 because of a sewer and water line put in 20 years ago and according to Section 47-334 Terms and Conditions of Wastewater; that she spent numerous times speaking to the wastewater department and Mr. Paul Nelson finally said he would call her back, but no one could make a decision and when she spoke to Mr. Beacham in Legal he said he gave his opinion to Ms. Grizzel in Public Works but that it was confidential and he could not provide it to her. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Milbauer stated that she built within the loop and had done so 15 years; that within the last year she had more trouble than before and this was the first time in 15 years no one was able to make a decision; that Barbara Grizzel was waiting for an opinion from Legal and Legal said Ms. Grizzel was given an opinion but she could not be given one; that the ordinance on wastewater reservation said you could be charged on a line 15 years or younger and this line was 20 years old, they could produce no ordinance showing there should be an additional fee and she was waiting and frustrated; and Council Member Khan stated that they wanted to encourage people like her and it was not right to be so frustrated with the process; and requested the Administration look into the matter; that Mayor White said he wanted the department to be customer friendly and he hoped her issue would be resolved. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that they would followup with Mr. Paul Nelson and see that he gets back with her; that she had the paperwork on her issue and knew Mr. Nelson had been briefed and informed with her conversations with Mr. Norman and others in that department. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Sammie Jones, 8700 Gustine Lane #3017, Houston, Texas 77031 (713-988-1273) appeared and stated that Saturday in northeast Houston he was walking to the Mason Transit Center and was attacked by a young Black male asking for money; that he assaulted him and police were called and later he saw him again at the center and tried to talk to him but someone was with him and they laughed it off; that he waited for them to leave the transit center before he boarded the bus, 77 Martin Luther King, and after about 2-1/2 to 3 miles the bus was shot up on the side he was sitting and the driver called what seemed to be METRO but they did not respond so when he was let off he told officers what happened and they asked what he wanted them to do; and wanted to know what would be done. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that they had the information and would make sure the appropriate people were made aware of the problem. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Tim Hebert, 3643 Tartan Lane, Houston, Texas 77025 (713-948-0600) appeared,

presented information and stated that he was present out of frustration with his own Council Member, Council Member Goldberg and his staff, that in December 2004 he contacted Reliant Energy looking for his December bill and was told he missed the billing cycle and found out there was no reading but they would bill him next month, then he was home when the meter reader came by and he was told they were having trouble reading his meter, but the house was new with a new meter, he was told probably many of his bills were estimated so he got a spread sheet and found out of 22 months of bills 13 were estimates. Mayor White, Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated that his office had been working with him and they did get in contact with Reliant and today received a response from Derrick Wilson saying he had an OMR meter which was to be read electronically but they estimated because something was obstructing it, they had no notes as to what the obstruction was but they said they would get in contact with him and resolve it; and Mr. Hebert thanked Council and Solid waste for keeping open the neighborhood collections on Sunbeam as it was a nice feature. Mayor White, Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Williams Barker, 9966 Kirkdale, Houston, Texas 77089 (281-481-8730) appeared and stated that he called 311 about sidewalks needing repairs and was told it was his responsibility; that Reliant Energy had light poles on them and they were not going to cut down light poles and go to jail; that it was Beamer between Fuqua and the Beltway. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that as the District Council Member for the area she did take an interest when there was a need; that they tried to contact him a couple of times and would like to get locations of the sidewalks as responsibility of maintenance was with the abutting property owner, but if there was an extenuating circumstance such as he described it needed to be looked at. Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (832-453-6376) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. William Beal, 418 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was over all agencies, America was guilty; and continued to express his personal opinions until his time expired. Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

At 5:37 p.m. City Council recessed until 9:00 a.m., Wednesday, March 16, 2005. Council Member Quan out of the city on city business. Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday,

March 16, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Deputy Agenda Director present.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:30 a.m. Mayor White reconvened the meeting of the City Council and stated that the first topic concerned the demolition of dangerous buildings. Council Members Galloway, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

MAYOR'S REPORT - Demolition of dangerous buildings

Mayor White stated that he would like to have a bit of a public discussion around the Council table because one of the cost items that they would see as they increased the pace was the demolition cost, that he thought there ought to be a few ideas of how they could have citizens groups working with contractors, that he wanted some Council input, that he wanted to make sure they took advantage of as much citizen power as they possibly could, that they wanted to get up to at least 100 demolitions a month, that was far more than they had done in the past, that the reasons or excuses for a slower pace of demolition before Fiscal Year 2004 fell into a couple of categories, one, well before the present administration there was some kind of court order and litigation about their demolition practices, second, they were not popping the abstracts of title out of the Legal Department fast enough and that was a problem they could solve, there was a new sense of urgency and priority that Chief Lumpkin appreciated and those who worked with him concerning the demolition of abandoned buildings, it would take them a while but not long to ramp up to 100 per month and certainly that would be a minimum goal for the next fiscal goal, that they did a record number in Fiscal Year 2004, over 700, that as they worked through the backlog and the problems with abstracting the title, so they could give the proper notices and the like, it slowed them down unacceptably, that so far it appeared that getting people to demolish those buildings, having contractors available to do it, had not been a particular bottleneck, that he did not want it to be a bottleneck as they ramped up their activity, that one of the things that they could reduce cost was to have heavy equipment operators who were in civic associations and churches, that another issue they had discussed was where there were slabs it was far more expensive to take out the slab than not and whether it was really necessary if they wanted to stretch a dollar so they could clear as many of the lots as possible, that he thought input from Members of the Council would be helpful. Council Members Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

Mayor White invited Chief Lumpkin and Mr. John Walsh to the Council table, and Chief Lumpkin stated that they were behind on their 500 dangerous buildings a year goal, they were at about 225 so they had brought in a temporary manager, who was an ex City employee who had done a great job when they were doing 700 per year and they had her identifying where the bottlenecks were administratively, in the last two weeks she had been able to pump out 35 dangerous buildings to hand to the contractor to have them demolished, that exceeded what they had been doing on a monthly basis, that with that pace he felt confident they were going to meet the goal of 500 for the fiscal year, that they also had the inspectors place large florescent checks on the buildings so they would all know which buildings were in the database and were going through the process, they had also brought in inspectors on Saturday's to look at the ones that had already been through the lengthy system and through the hearings, where the order had already been placed to go ahead and demolish only, they were prioritizing those to make sure they were going after the most dangerous in the neighborhood first, they had identified 250 of those, where the slow down occurred was getting that list to the project manager and getting all the paperwork right so it could go to the contractor, that was what they were working hard to do and pushing hard with Human Resources to make sure their 14 vacancies were filled and

those 14 vacancies would help him immensely and give him the staff he needed to get them back to 70 per month, that for Fiscal 2006, to get that 100 per month, that was 5 per day and 1,200 per year, his proposal was that they create a task force that focused exclusively on dangerous buildings and there would be no disconnect, that half of the task force would belong to Mr. Michel on the Legal side, the abstract side and the other half would belong to him and they would have them report to the City Council and the Mayor finding out why they were not reaching 100 or why they exceeded 100 and where they stood with each and every dangerous building, that was what he was proposing for Fiscal Year 2006, that also he liked the idea of getting the community involved, that Legal had done some research of expanding the ability of emergency, that every once in a while they could not wait for the system to drag through 10 months to get the building down, sometimes they had to look at the building, point at it and bring it down, so Mr. Michel and his staff had identified how maybe they could get the community involved, get the police to write good reports saying it was a hazard, with that type of documentation it would allow them to actually look at some of the buildings, along with the Fire Department and say it had to come down immediately, that they were looking real hard at expanding their abilities to bring them down under the emergency code, that he believed with the task force their administrative abilities would be stronger than they were now and could probably do some of the things the Mayor had proposed; that as to the complicated process of asbestos, he thought that they could do a better job of strategically going after the houses so they did not run into bringing down more than two on a block per year, which was what the State held them to, that they did not want the particles in the air so they wanted to make sure they were complying with the State regulation; that the slab was an issue and people forgot about that, many of the folks that wanted to knock down houses for the City did not want to bare the cost of disposing of the slab properly, that many of the homes they knocked down had asbestos and it was very costly to dispose of that, that they had folks that were willing to step up and knock houses down but were not willing to dispose of them. Council Member Garcia absent.

Upon questions by Council Members, Chief Lumpkin stated that the "two on a block", in a one block area if they took one down there was no requirement to step in there and worry about the asbestos because it was a very limited amount of particles going into the air, but within a twelve month period within that same block if they were going to bring down another one they had to bring in the State regulation and do monitoring of the air and take down the home because most of the homes they took down had asbestos in them, that if it was a large commercial structure or large multi family right away they would have the State involved because it was so big; that at this stage the taskforce was just a proposal, that it would have to be funded, that he envisioned a temporary taskforce which would be a team from Mr. Michel and his group teaming up folks just on dangerous buildings, and Mr. Walsh stated that going through all of the Legal steps that were necessary to prepare the property for demolition was where the bottleneck was, it was an unbelievable complex process and he would not go into all the details but the taskforce would basically be an internal group who would focus on streamlining that process and making sure they were in compliance with all of the legal requirements and setting everything in motion so that the actual demolition could occur in a manner that was quick, expeditious and hopefully inexpensive, both by volunteer effort and by low cost service from the City services as well as outside contractors, that was the piece that they needed to focus on.

Upon further questions, Chief Lumpkin stated that what he hoped to do if the houses were of a high priority like some that were near a school or in a location that had a high crime or fire nexus then absolutely they had ability it just took more money or time when they added more than one on a block per year, but they could do it, it just lengthen the process.

Council Member Lawrence stated that there was a procedure that she wanted to be sure was recognized and dealt with, she had two different apartment units that had continually been on the list to be torn down, the owners seemed to say they would do it themselves, they tore down one building instead of 10, they were taken off of the list and now they were another year away, it was the procedure that had continued to happen for 7 years, that she encouraged the

task force not to forget about them, that a lot of follow through was needed. Council Member Berry absent.

Upon further questions by Council Members, Chief Lumpkin stated they were currently trying to prioritize to make sure they would go after the worst first, that a professional guess of the backlog was 2,000, that they had a database that should be completed by June and they could start getting numbers to report to the Council on, that as to the financing, if they wanted the taskforce to work they would need at least \$5 million, that as for the definition of a dangerous building they followed the State law and City ordinance, that there were 20 different violations that could classify it as a dangerous building. Council Member Holm absent.

Mayor White asked Mr. Michel to indicate the clarification that he had made in writing and circulate it to Council, and Mr. Michel stated that what they had instituted was a policy to demolish dangerous buildings and as Chief Lumpkin had said "dangerous" was a number of about 20 different conditions they could have to demolish buildings that could not efficiently and quickly and where they could not reasonably abate the problem that occurred, and he thought what had happened in the past was that people would look at boarding something up to abate it and the problem was that they had been looking at it in a vacuum, they had not looked at certain conditions that occurred, that when they had a situation where they had a fire the Fire Department was involved and he thought what had been lacking was coordination with the Fire Department and Neighborhood Protection and that was one thing that Chief Lumpkin was doing, making sure there was coordination and he agreed that there should be guidelines and those should be published so that people understood the process. Council Member Holm absent.

Upon further questions, Chief Lumpkin stated that once the building comes down the owner continuous to be responsible so that the lot does not look like a forest, that they would put a lien on the property and they would expect the owner to continue to maintain and watch after the property; that their goal was to get owner compliance so that they would save taxpayer money and Mr. Walsh stated that the point for having the offices for neighborhood services around the City and having input from the residents to determine which ones they wanted done faster, sooner, etc. was another key to it because resident communication was another important dimension to neighborhood services. Council Members Goldberg, Edwards, Holm, Alvarado, Quan and Berry absent.

Council Member Alvarado moved to consider Item Numbers 21 and 26 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent. MOTION 2005-0229 ADOPTED.

Council Member Edwards moved to consider Item Numbers 31, 32, 33, 34, 51, 52 and 56 out of order, seconded by Council Member Khan.

Council Member Garcia stated that there were family members in the audience for Item No. 2 and would ask that they not push that item back too far.

Council Member Garcia moved to consider Item No. 2 at the top of the agenda, and Mayor White stated that if there was no objection to amend Council Member Edwards motion to add Item No. 2 it was so ordered by consent.

A vote was called on Council Member Edwards motion. All voting aye. Nays none. Council Member Holm absent. MOTION 2005-0230 ADOPTED.

2. REQUEST from Director Planning & Development for designation of Honorary Street Marker for **ALVINO GUZMAN RODRIGUEZ** located on the south of Hammock Street - **DISTRICT H – GARCIA** – was presented, moved by Council Member Garcia, seconded by Council Member Alvarado, and tagged by Council Member Goldberg. (Note: Council Member Goldberg released his tag later in the meeting.)

Council Member Goldberg stated that he had a few questions that had not been answered yet, and Council Member Garcia stated that he thought they could answer those questions because he had asked for some research on the information that Council Member Goldberg had asked for and had gotten it and would share the information with him, that the family members were in the audience and he would ask for some consideration in that regard.

21. RESOLUTION regarding assurances to the NFL concerning support for Super Bowl XLIII – was presented. All voting aye. Nays none. Council Member Goldberg absent. RESOLUTION 2005-0003 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City and the **GREATER HOUSTON PARTNERSHIP** for Professional Services; providing a maximum contract amount \$740,000.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent. ORDINANCE 2005-0246 ADOPTED.
30. ORDINANCE approving and authorizing contracts between the City and **AIDS FOUNDATION HOUSTON, INC., BEE BUSY LEARNING ACADEMY, INC, BAYLOR COLLEGE OF MEDICINE** by and through its Teen Clinic, **CAREER & RECOVERY RESOURCES, INC, INCREMENTAL MARKETING, INC, MONTROSE CLINIC, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, POSITIVE EFFORTS, INC, SUMA PARTNERS, L.P.,** and the **WARREN CORPORATION** for HIV/STD Services for the Houston Department of Health and Human Services; providing maximum contract amounts - Through December 31, 2005 with three (3) one-year renewal terms - \$17,400,000.00 - General and Grant Funds - was presented.- Council Members Goldberg and Garcia absent.

Council Member Edwards stated that she wanted to encourage her colleagues to vote for the money, that they had some CVO's whose payrolls were dependent on the item and they were doing an excellent job with work they were doing with limited funding. Council Members Galloway, Goldberg and Garcia absent.

A vote was called on Item No. 30. All voting aye. Nays none. Council Members Galloway, Goldberg and Garcia absent. ORDINANCE 2005-0247 ADOPTED.

31. ORDINANCE amending City of Houston Ordinance No. 2001-0555, passed June 13, 2001 (as amended by City of Houston Ordinance No. 2003-0763), which approved and authorized the submission of the 2001 Consolidated Plan and the grant application for the 27th Community Development Block Grant ("CDBG") Program, as amended – was presented. Council Members Galloway, Goldberg and Garcia absent.

Council Member Quan stated that these items had been posted for their Thursday meeting of the Neighborhood, Housing and Redevelopment Committee and he encouraged Council Members to attend, that there were several million dollars that were being reprogrammed and it deserved a thorough discussion, that he recognized the department's desire to move it forward and certainly welcomed it but by the same token he hoped that Council Members could attend the meeting at 10:00 a.m. to go over it carefully, that he would tag the item.

Council Members Wiseman, Edwards, Sekula-Gibbs and Khan requested that their tag be added to Item No. 31. Council Members Galloway, Goldberg and Garcia absent.

Council Member Khan asked why did the department want to reallocate the funds when they were already approved, if they could come to the meeting and give them a clear understanding as to what is the dire need of moving the CDBG funds from the appropriation that they had already approved to some other area. Council Members Goldberg and Garcia absent.

Mayor White stated that they had certain deadlines by the end of April that needed to be complied with for the expenditures of fund balances otherwise those fund balances may be forfeited, that he wanted to make a clarification that nothing was dropped that could be expended within the next six weeks and if they did not accelerate the spending the funds would forever be gone. Council Members Lawrence, Goldberg and Garcia.

Council Member Sekula-Gibbs stated to the people who were on the decreased list and about to be eliminated had they been identified, had everyone been told, and Mayor White stated that he would need to check it so that people did not have misinformation.

Council Member Galloway requested that her tag also be added to Item 31, that they would be having a committee meeting tomorrow on the items and they could go into a full discussion on them and get all their questions and concerns answered.

32. ORDINANCE amending City of Houston Ordinance No. 2002-0512, passed June 12, 2002, which approved and authorized the submission of the 2002 Consolidated Plan and the grant application for the 28th Community Development Block Grant ("CDBG") Program – was presented, and tagged by Council Members Quan, Wiseman, Edwards, Sekula-Gibbs, Khan and Galloway.
33. ORDINANCE amending City of Houston Ordinance No. 2003-0620, passed June 25, 2003, (as amended by City of Houston Ordinance No. 2004-0284), which approved and authorized the submission of the 2003 Consolidated Plan and the grant application for the 29th Community Development Block Grant ("CDBG") Program, as amended – was presented, and tagged by Council Members Quan, Wiseman, Edwards, Sekula-Gibbs, Khan and Galloway.
34. ORDINANCE amending City of Houston Ordinance No. 2004-0685, passed On June 30, 2004, which approved and authorized the submission of the 2004 Consolidated Plan and the grant application for the 30th Community Development Block Grant ("CDBG") Program – was presented, and tagged by Council Members Quan, Wiseman, Edwards, Sekula-Gibbs, Khan and Galloway.

Council Member Goldberg stated that he would release his tag on Item No. 2.

Council Member Garcia moved to consider Item No. 2 at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2005-0231 ADOPTED.

2. REQUEST from Director Planning & Development for designation of Honorary Street Marker for **ALVINO GUZMAN RODRIGUEZ** located on the south of Hammock Street - **DISTRICT H – GARCIA** – was again before Council, previously moved by Council Member Garcia, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2005-0232 ADOPTED.

Council Member Garcia moved to suspend the rules to hear from a family member regarding Mr. Rodriguez, seconded by Council Member Quan. **(NO VOTE CALLED)**

Council Member Garcia invited Ms. Beatrice Gerard to the podium.

Ms. Gerard stated that Council Member Garcia came to know her father and mother and got to see the type of man that her father was, if her father was alive today and if he had been given the opportunity to graduate she knew that he would probably be sitting at the Council table today, there was no doubt about it, that she wanted to tell them a short story, her father and future in-laws were invited for a gathering 10 years ago and she met her father-in-law for the first time, he was born in France, that they had just moved all her belongings into her future

husbands house and she had all her wine glasses in there and did not have a chance to clean them out and her father-in-law went to the wine cabinet, got a glass and poured himself a straight pour of scotch and was getting ready to drink it, her father was there and as her father-in-law picked up the scotch her father said "ay Chihuahua un cucaracho" (a roach), that it embarrassed her and she went to get the glass and said she was sorry and as she went to get the glass and pour the scotch into the sink her father-in-law grabbed it from her hand and asked what she was doing, he said it had no germs anymore, the scotch was pure alcohol, and her father asked him why he did that and her father-in-law said he was in a German concentration camp and they learned to eat and drink anything, and her father asked what camp and her father-in-law said Camp Dora and at that moment her father-in-law dropped his glass, threw his arms around her father and said thank you for him and his men, that her father was in World War II under George Patton, he was injured in the war and wounded, he tied up his wound and saved two of his buddies and he never reported it, she was trying to get a Purple Heart for him, that she was very proud of her father, that her father carried on in the same way in the neighborhood, that he moved into Hammock street in 1953 and from there he was the father to everyone in the neighborhood, that one of the most important things that she brought to them today was that her father voted in every election, he was involved 100% and for those who could not go to vote her father took it upon himself to pick up the people and take them to the precinct, that her father played a part in having the statute that was in Moody Park today along with Mr. John Castillo, the precinct judge at Jeff Davis High School.

Council Member Garcia stated that it was his honor that the City of Houston was able to do something to recognize her dad and all the things that he stood for.

NOTE: Funding for Item Nos. 51 and 52 is contingent on passage of Items 32, 33 and 34

51. **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Pumper Trucks through the Interlocal Agreement for Cooperative Purchasing for Fire Department - \$3,838,999.98 - Grant Fund – was presented, and tagged by Council Members Quan, Wiseman and Edwards.

Council Member Quan stated that on Item Numbers 51 and 52 the funding for those items would come from the previous items that had been tagged.

52. **FREEWAY FORD LTD.** - \$960,000.00 and **KNAPP CHEVROLET, INC** - \$1,256,000.00 for Ambulances and EMS Squad Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Fire Department - Grant Fund – was presented, and tagged by Council Members Quan, Wiseman and Edwards.

56. 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 – (This was Item 24 on Agenda of March 9, 2005, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. ORDINANCE 2005-0248 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 50

MISCELLANEOUS - NUMBER 1

1. RECOMMENDATION from Chief of Police for Injury on Duty status for Police Officer **MARK BOEMIO** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0233 ADOPTED.

ACCEPT WORK - NUMBER 5

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$160,210.00 and acceptance of work on contract with **AAR INCORPORATED** for Asbestos Abatement & Re-Insulation Braeswood Health Clinic Mechanical Room & Crawlspace, GFS H-0029-03-5 - 04.81% over the original contract amount **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0234 ADOPTED.

PROPERTY - NUMBERS 6 and 7

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of condemnation of Parcel AY2-041, located at 9400 Lawndale Avenue, owned by Purvis Bearing Service, Ltd., Bob Purvis, President, for Central Street Grade Separation Project from Central Street Extension over Manchester Avenue to Train Yard, CIP N-0676-01-2 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0235 ADOPTED.
7. RECOMMENDATION from Director Public Works & Engineering to purchase Parcel AY4-036, located at 1111 Hermann Drive, owned by Park Warwick, L.P., a Texas limited partnership [Park Warwick Investments, LLC, a Texas limited liability company, General Partner, (Park Hotel Investments, LLC, a Delaware limited liability company, Managing Member)], for the **HERMANN DRIVE RELIEF STORM SEWER PROJECT**, CIP M-0260-02-2 - \$105,527.00 - Storm Water Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0236 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 13

8. **FORD AUDIO VIDEO SYSTEMS, INC** for Audio Control System Replacement Parts for Houston Airport System - \$154,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0237 ADOPTED.
12. **TYCO VALVES & CONTROLS, L.P.** for Valve Assemblies and Portable Valve Operators for Department of Public Works & Engineering - \$70,489.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0238 ADOPTED.
13. **HOUSTON FREIGHTLINER, INC (Bid No. 4)** - \$4,493,121.00, **HOUSTON FREIGHTLINER, INC (Bid No. 3)** - \$224,754.00 and **NICK'S DIESEL SERVICE, INC** - \$837,900.00 for Refuse Collection Trucks and Trailers for Solid Waste Management Department - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0239 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 23 through 49

23. ORDINANCE appropriating \$4,860,000.00 out of Airport System Improvement Fund (561); authorizing the purchase of certain tracts of land out of Hartland Acres, W.C.R.R. Co. Survey Section 1, Block 6, and out of World Houston International Business Center, W.C.R.R. Co. Survey Section 2, Block 6, Houston, Harris County, Texas, for Expansion of Bush Intercontinental Airport, CIP A-0421-04.1; approving a purchase and sale agreement with the owner of the Land (Raw Land, Ltd.) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2005-0249 ADOPTED.

24. ORDINANCE appropriating \$360,000.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing the purchase and condemnation of land and improvements thereon out of Wooded Acres Subdivision, J. W. McGinnis Survey, A-587, and Beeler (Unrecorded) Subdivision, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-62.1; approving a purchase and sale agreement with the owner of the land (Allen E. Russell) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2005-0250 ADOPTED.
27. ORDINANCE amending City of Houston Ordinance No. 2003-1034 relating to Special Event Temporary Information Signs - **DISTRICT I – ALVARADO** – had been pulled from the Agenda by the Administration, and was not considered.
35. ORDINANCE approving and authorizing contract to reimburse River Oaks Baptist School and for payment of School Crossing Guards from the Child Safety Fund – was presented. All voting aye. Nays none. ORDINANCE 2005-0251 ADOPTED.
41. ORDINANCE appropriating \$2,408,985.00 out of Airports Improvement Fund and awarding construction contract to the **GONZALEZ GROUP LLC** for Terminal B Renovation & Flight Station Roof at George Bush Intercontinental/Houston, CIP A-0425, Project 533D; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by such fund **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2005-0252 ADOPTED.
47. ORDINANCE appropriating \$291,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding Construction Contract to **RJ CONSTRUCTION COMPANY, INC** for Portwest Lift Station Rehabilitation, GFS R-0267-72-3 (WW4765-07); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. ORDINANCE 2005-0253 ADOPTED.
48. ORDINANCE appropriating \$157,264.08 out of Water & Sewer Contributed Capital Fund, and \$1,174,435.92 out of Water & Sewer System Consolidated Construction Fund, awarding Construction Contract to **BRH-GARVER CONSTRUCTION, LP.** for Construction of a 24-inch Water Line along state Highway 6 from Barkers Point to Grisby and Conrad Sauer Pig Launching/Receiving Station, GFS S-0900-96-3 (WA10624-06); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Water & Sewer Contributed Capital Fund, and the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. ORDINANCE 2005-0254 ADOPTED.
49. ORDINANCE appropriating \$8,858,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding Construction Contract to **E. P. BRADY, LTD.** for Construction of a 66-inch Water Line along Old Greens Road and Greens Road from West Hardy Road to Aldine-Westfield, GFS S-0900-A2-3 (WA10448-05); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Water & Sewer System Consolidated Construction Fund -

DISTRICT B - GALLOWAY – was presented. All voting aye. Nays none. ORDINANCE 2005-0255 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. RECOMMENDATION from Director Department of Public Works & Engineering to expend funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** - \$178,500.00 General Fund - **DISTRICTS C - GOLDBERG; D - EDWARDS and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0240 ADOPTED.

DAMAGES

4. RECOMMENDATION from City Attorney for settlement of lawsuit styled **KRISTIN ABELLO and RAUL ABELLO v. the City of Houston and Craig Williams**; in the 240th District Court of Fort Bend County, Texas; Cause No. 03-CV-128104 - \$50,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0241 ADOPTED.

PURCHASING AND TABULATION OF BIDS

9. **MEDTRONIC EMERGENCY RESPONSE SYSTEMS** for Purchase of 158 Automated External Defibrillators for Houston Fire Department - \$120,429.36 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0242 ADOPTED.
10. **HAZARD ASSESSMENT LEADERS, INC d/b/a HAL, INC** for Asbestos Abatement, Demolition and Site Clean-Up Services for the Houston Police Department - \$33,861.00 and contingencies for a total amount not to exceed \$35,554.05 - Dangerous Building Consolidated Fund **DISTRICTS B - GALLOWAY and D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0243 ADOPTED.
11. **THE ANDRESS-WALSH COMPANY (Bid No. 1)** - \$63,721.56 and **HAHN EQUIPMENT COMPANY, INC (Bid No. 2)** - \$151,900.00 for Pumps for Department of Public Works & Engineering - \$220,022.00 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount of \$215,621.56 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Ellis.
14. **AMEND MOTION #2001-748, 7/3/01, as amended by MOTION #2004-823, 7/7/04, TO EXTEND** expiration date from July 9, 2005 to July 8, 2006, for Special Purpose Clothing Contract for Various Departments, awarded to **ACADEMY ADVERTISING SPECIALTIES & AWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0244 ADOPTED.
15. **AMEND MOTION #2001-1176, 10/31/01, as amended by MOTION #2004-1074, 10/13/04, TO EXTEND** expiration date from October 30, 2005 until October 29, 2006, for Cement, bagged Portland Contract for Various Departments, awarded to **EAGLE-CORDELL CONCRETE PRODUCTS** – was presented, moved by Council Member Khan,

seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0245 ADOPTED.

16. **THE LETCO GROUP, L.P.** for Landscape, Plants, Trees, Grass and Associated Materials, Part II, for Various Departments - \$176,186.36 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado

Council Member Galloway stated that quite some time ago they approved a contract for the planting of trees in her district, that it had been approximately six months ago that the RCA came through and as of today she had not seen one stump planted in her area and she was very concerned about it and would certainly like to get a report and would tag the item, that it was a boulevard on Wayside which was under the Parks and Recreation Department and Mayor White stated that they would get back with her. (Note: Council Member Galloway released her tag later in the meeting.)

17. **FLINT TRADING, INC (Bid No. 1)** for Thermoplastic Materials for Various Departments - \$793,267.03 minus a commission fee (2% Internet-based reverse auction services) for a net award amount not to exceed \$777,401.69 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0246 ADOPTED.
18. **DOOLEY TACKABERRY, INC (Bid No. 3)** - \$48,500.00, **JORDAN DAVID SAFETY** - \$26,190.00, **SAFECO, INC (Bid Nos. 2, 3, 5 and 4 respectively)** - \$166,832.06, **SAFETY SUPPLY, INC (Bid No. 1)** - \$48,500.00, **SECURITY SAFETY & SUPPLY, INC (Bid No. 3)** - \$60,571.24 for Safety Equipment & Supplies Contract Part II for Various Departments - \$361,436.39 minus a commission fee (3% Internet-based reverse auction services) for a net award amount not to exceed \$350,593.30 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Lawrence.

Council Member Lawrence stated that she did not have a problem with the item but would like to put in an amendment next week and have each of the six departments that they were talking about with the money make a report to possibly Fiscal Affairs on how the money was being spent, that she wanted a little bit more accountability.

19. REJECT low (non-responsive) bid of **PACE SERVICES, LP** and award to second low bidder, **TEXAS STERLING CONSTRUCTION, L.P.** – was presented, moved by Council Member Khan, seconded by Council Member Quan.

Council Member Sekula-Gibbs asked Mr. Michel about the progress that the City Legal Department had made in the preparation of an ordinance that dealt with dealings of the City with contractors and companies who were found to be non responsive, and Mr. Michel stated that they had a draft ordinance that they had circulated to the administration and he would provide her a copy of it, that the draft was being circulated to seek input as to what the appropriate amount of time was, whether to tie to existing limitations they had or whether it should be different.

Council Member Berry stated that Carl Davis in his office had been working with Mr. Bill Coates, who the Mayor asked to advise the City on it, that he had many years of experience in it, that with the Legal Department leading the charge they went to the performance bond community and talked with contractors and thought at the end of the day they were going to have a policy and program that was something they could be proud of and that would work, that they had also been in the process of interviewing and training the mid level managers at the City to make sure that they got performance out of those companies.

After further discussion a vote was called on Item No. 19. All voting aye. Nays none.

Council Member Edwards absent. MOTION 2005-0247 ADOPTED.

- 19a. ORDINANCE appropriating \$15,537,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding Construction Contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Construction of a 66-inch Water Line along World Houston, Vickery, Embassy Plaza, Export Plaza, Shirley, Kurt, Albert, across US 59 and Beltway 8, along Vera, Eddie, and proposed easements, from World Houston to existing 84" HAWC Line at Smith, GFS S-0900-99-3 (WA10448-03); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2005-0256 ADOPTED.

RESOLUTIONS AND ORDINANCES

20. RESOLUTION supporting cooperation between the City and the **HOUSTON GALVESTON AREA COUNCIL** and Participation in its Voluntary Mobile Emissions Reduction Program – was presented, and tagged by Council Member Wiseman. Council Member Edwards absent.
22. ORDINANCE approving and authorizing the sale to the State of Texas of (i) a ±2,712-square-foot portion of a 2.3827-acre tract out of Reserve A, Sherwood Oaks, Section Two, Parcel SY5-019A (aka Parcel J67-021; State Parcel 544) and (ii) a ±13,475-square-foot portion of a 4.999-acre tract out of Lot 23, Frost and Settegast First Addition, Parcel SY5-019B (aka Parcel L98-028; State Parcel 668) both adjacent to the Interstate Highway 10 Service Road; in consideration of the payment of \$23,206.00 and \$122,932.00, respectively, therefore, and other consideration to the City - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2005-0257 ADOPTED.
25. ORDINANCE approving and authorizing amendment No. 2 and consent to assignment of a lease agreement between the City of Houston and **PENNZOIL-QUAKER STATE COMPANY** at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2005-0258 ADOPTED.
28. ORDINANCE approving and authorizing first amendment to contract between the City and **SMART CITY ELECTRIC, INC** for Utility Services at the George R. Brown Convention Center – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2005-0259 ADOPTED.
29. ORDINANCE amending Article V of the Planning and Zoning Regulations for Reinvestment Zone Number One, City of Houston, Texas (St. George Place), relating to Planned Unit Developments **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2005-0260 ADOPTED.
36. ORDINANCE establishing a maximum contract amount for contract between the City of Houston and **DENTON, NAVARRO, ROCHA & BERNAL, P.C.**, as originally approved by Ordinance No. 2004-0686 - \$44,000.00 - General Fund – was presented, and tagged by Council Member Holm. Council Member Edwards absent. (Note: Council Member Holm released her tag later in the meeting.)
37. ORDINANCE accepting the individual proposals from **WESTCHESTER FIRE INSURANCE COMPANY, LEXINGTON INSURANCE COMPANY, HARTFORD FIRE INSURANCE**

COMPANY, ESSEX INSURANCE COMPANY, RSUI INDEMNITY AND INSURANCE COMPANY, JAMES RIVER INSURANCE COMPANY, COMMONWEALTH INSURANCE COMPANY, UNDERWRITERS AT LLOYDS LONDON, CLARENDON AMERICA INSURANCE COMPANY, HOMELAND INSURANCE COMPANY OF NEW YORK, QBE INTERNATIONAL LIMITED, AXIS SURPLUS INSURANCE COMPANY, LIBERTY MUTUAL FIRE INSURANCE COMPANY and CONTINENTAL CASUALTY INSURANCE COMPANY which are participating in the Layered Property Insurance Program and approving and authorizing the purchase of a General City Property Insurance Policy - \$5,908,613.00 – was presented, and tagged by Council Member Khan. Council Member Edwards absent. (Note: Council Member Khan released his tag later in the meeting.)

38. ORDINANCE accepting the proposal from **LEXINGTON INSURANCE COMPANY** for Bush/IAH and Hobby Airports and approving and authorizing the purchase of Terrorism Insurance \$288,612.50 – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2005-0261 ADOPTED.
39. ORDINANCE approving and authorizing second amendment to contract #51399 between the City of Houston and the **TEXAS PROCUREMENT CENTER, L.L.C.**, and approving and authorizing interlocal agreements between the City of Houston, **DEPARTMENT OF INFORMATION RESOURCES (DIR)** and **FAIRFAX COUNTY, VIRGINIA**, to procure Technology Products and Services; providing a maximum contract amount - \$65,000,000.00 - Various Funds – was presented. Council Member Edwards absent.

Council Member Green offered the following motion to amend Item No. 39 to add:

Any and all purchases over \$100,000.00 should be placed out for competitive bid through the City Purchasing Department and approved by City Council.

Go-Direct vendors would also meet the 24% MWBE goal as indicated in the RCA on each Purchase Order that is issued, seconded by Council Member Galloway, and tagged by Council Member Holm. Council Member Edwards absent.

Council Member Sekula-Gibbs stated that she wanted to offer a parallel motion to Council Member Green's motion to amend Item No. 39 as follows:

"I move to amend Agenda Item 39 as follows:

Any purchase over \$100,000.00 will be included in the City Council agenda for approval and upon approval be handled by the City Purchasing Agent for bidding."

Council Member Sekula-Gibbs stated that she would ask to suspend the rules and have Mr. Wells address the point of having Council deal with \$100,000 purchase.

Council Member Ellis stated that a few of his colleagues had asked that they bring Item No. 39 and any amendments to the Fiscal Affairs Committee meeting on March 29, 2004, which would be the day before the next regular Council meeting and Mayor White stated that if people had no objection to that it might be forum where they could have a more detailed discussion for all of the people representing the relevant departments.

Council Members Holm, Lawrence, Berry, Khan and Quan stated that they would tag the amendment.

After further discussion by Council Members Item No. 39 was tagged by Council Members Wiseman, Holm, Green, Lawrence, Edwards, Quan and Khan.

40. ORDINANCE appropriating \$1,500,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to Professional Consulting Services Contract

between the City of Houston and **CARTER & BURGESS, INC** for Geographic Information System Implementation Services (Project No. 584; CIP A-0391 and A-0417) – was presented. All voting aye. Nays none. ORDINANCE 2005-0262 ADOPTED.

42. ORDINANCE approving and authorizing second amendment to Treated Water Supply Contract between the City of Houston and the **CITY OF PEARLAND** - Revenue – was presented. All voting aye. Nays none. ORDINANCE 2005-0263 ADOPTED.
43. ORDINANCE appropriating \$5,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **ESPA CORPORATION** for Various Water Main Replacement Projects; GFS S-0035-EC-3 (WA10861) – was presented.

Council Member Galloway stated that she had never seen a \$5,000 contract come before Council and also for the \$5,000 amount they had to have 24% MWBE and asked if the RCA was correct, and Mayor White stated that as had been explained to him it was envisioned that there would be other appropriations where they would use the firm for certain contract management services under the contract, that it was something that was routinely done when they had to appropriate bond funds and they had to do it by ordinance. Council Member Quan absent.

A vote was called on Item No. 43. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2005-0264 ADOPTED.

44. ORDINANCE appropriating \$2,556,730.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **OTHON, INC** for the Design of Water Line Replacement in the Montrose South Area, Greensboro Area, Mary Bates Middle Area, Mary Bates South and Maplewood Area, Mary Bates North Area, and Woodland Heights East Area; GFS S-0035-E4-2 (WA10857); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; D - EDWARDS; F - KHAN and H – GARCIA** - was presented. All voting aye. Nays none. Council Member Quan absent. ORDINANCE 2005-0265 ADOPTED.
45. ORDINANCE appropriating \$2,157,400.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **COBB, FENDLEY & ASSOCIATES, INC** for the Design of Water Line Replacement in First Ward I, First Ward II, Willow Run North, Hooper East, Parker Road and Hillwood; GFS S-0035-F1-2 (WA10858); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS B - GALLOWAY; D - EDWARDS and H – GARCIA** – was presented. Council Member Quan absent.

Council Member Galloway stated that they would be in the Willow Run North area and they had an overlay project out there and now they were going to be tearing out the street for water lines and she was hoping that the departments would get together so when they tore up the street one time they could go in and do the work they needed before they went to reconstruct the street over, so they would not keep ruining the streets that they just recently overlaid. Mayor White and Council Member Quan absent. Mayor Pro Tem Alvarado presiding.

A vote was called on Item No. 45. All voting aye. Nays none. Mayor White and Council Member Quan absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0266 ADOPTED.

46. ORDINANCE appropriating \$7,797,000.00 out of Drainage Improvements Commercial Paper Series F Fund, \$667,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding Construction Contract to **D. L. ELLIOTT ENTERPRISES, INC** for Timbergrove Storm Sewer Improvements Project, GFS M-0254-01-3 (SM5039); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT A – LAWRENCE** - was presented. All voting aye. Nays none. Mayor White and Council Member Quan absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0267 ADOPTED.
50. ORDINANCE amending the Annual Budgets of the City for Fiscal Year 2005; making appropriations, including the general appropriation; authorizing transfers within the fiscal year 2005 Annual Budgets; and authorizing a Temporary Cash Borrowing for the General Fund, all in support of the annual budgets of the City for Fiscal Year 2005 – was presented, and tagged by Council Members Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Galloway. Mayor White and Council Member Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg asked Council Member Ellis if he could add this item to the Fiscal Affairs Committee agenda and Council Member Ellis stated yes.

NON CONSENT AGENDA - NUMBERS 51 through 53

PURCHASING AND TABULATION OF BIDS

53. RECOMMENDATION from Department of Finance & Administration to make the following awards for Traffic Safety Devices for Various Departments - \$1,366,148.57 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$1,325,164.11 General and Enterprise Funds:
SECURITY SAFETY & SUPPLY - \$1,019,949.44
WATER FILLED BARRIER SYSTEMS OF HOUSTON, INC, Bid No. 2 - \$268,626.95
and
TRANTEX, INC - \$34,550.72
- COUNCIL DRAW LOTS**
- ITEM NO. 20** due to receiving identical bids from **TRANTEX, INC** and **SECURITY SAFETY & SUPPLY** in the amount of \$2,100.00, minus (3% of award amount), for a net award amount not to exceed \$2,037.00 - was presented, and Council Member Holm drew Security Safety & Supply, Incorporated, and Item No. 53 was tagged by Council Member Wiseman.

MATTERS HELD - NUMBERS 54 through 61

Council Member Galloway stated that she would release her tag on Item No. 16.

54. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Finance & Administration Department to **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 – **(This was Item 16 on Agenda of March 9, 2005, TAGGED BY COUNCIL MEMBERS KHAN and SEKULA-GIBBS)** – was presented.

Council Member Sekula-Gibbs stated that she wanted to thank the individuals from Motorola and the people from the department of communications for providing her office with information regarding the devices that were being purchased, that she had concerns that they did not go out for re-bid and wanted to make sure that it was done in the best interest of the City, that it was a reasonable amount and had been justified and was a necessary purchase for the City and she supported it.

Council Member Khan stated that he thought the process was not appropriate, that when they awarded a contract they should award it in its entirety, that it was the process that he would request that the administration would take a serious look at awarding it in its entirety instead of adding on to the contract. Council Member Goldberg absent.

Council Member Ellis stated that sometimes the extension was going to be a much better deal than if they were to go out to bid and in some instances it made sense for the City to extend the contract as opposed to going out for bid. Council Member Goldberg absent.

Council Member Sekula-Gibbs stated that she posed the question of comparative pricing with other cities and they were getting a 5% better deal than the Houston Galveston Area Council was receiving for similar devices and the City was also paying approximately 10% less than other cities within the State. Council Member Goldberg absent.

A vote was called on Item No. 54. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2005-0248 ADOPTED.

55. 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 – (This was Item 18 on Agenda of March 9, 2005, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented. All voting aye. Nays none. ORDINANCE 2005-0268 ADOPTED.
57. ORDINANCE amending Ordinance 2004-0770 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 – **(This was Item 25 on Agenda of March 9, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN, SEKULA-GIBBS and KHAN)** – was presented. All voting aye. Nays none. ORDINANCE 2005-0269 ADOPTED.
58. 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 – **(These were Items 43 on Agenda of March 9, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented.

Council Member Wiseman stated that she had circulated a copy of a letter from Congressman Ted Poe who was a resident of Atascocita and was corresponding to them in that capacity, that he had expressed the same concerns that they had heard from the residents throughout Atascocita and that was that the community had not had the opportunity to fully consider what was being proposed with the limited purpose annexation, the concerns that she had dealt with that very point not the merits of the limited purpose annexation but to what extent were the people aware of the action taking place, the MUDs did meet the letter of the law as far as what they were required to do to notify the residents, however that was not sufficient, they could have taken additional action to avoid the controversy they were faced with, that the residents were asking for an opportunity to review what was being considered.

Council Member Ellis stated that he had heard the last couple of weeks that the MUD Board or the City did not follow the statutory requirements and he just received a memo from Mr. Dan Dougherty, Legal Department, and the letter basically stated that the MUDs held a number of public hearings, at MUD 153, 100 people attended one of the meetings, at MUD 132, 70 to 90 people attended one of the meetings and at MUD 109 they had two hearings and only had a few individuals show up for the last hearing, that he would not vote for the limited purpose annexations if they did not meet the statutory requirements, that he would ask Mr. Cheatham and Ms. Wallace to come up to the Council table and wanted them to go through what the statutory requirements were and make sure that the City met all of their statutory requirements and he would ask them if they believed the MUDs met their statutory requirements, that he understood the MUDs had a more liberal requirement as set forth in the Local Government Code, for whatever reason the State Legislature set it up that way, and asked Mr. Cheatham what did the City have to do to meet statutory requirements for the limited purpose annexations and did they do them or did they not. Council Member Alvarado absent

Mr. Cheatham stated that he thought the process that they followed was the same for all three, that as Mr. Dougherty noted the requirements from the City were fairly strict and were followed to the letter, they do some newspaper publications, the law required that they be published twice in a newspaper of general circulation, that there were a number of notices that were posted, that they had to understand that in some of the MUDs they did not always have their own offices, many times they had meetings in the offices of the MUD attorney, which was not always in the area, but despite that there were meetings held in the area of the MUDs and what the attendance numbers said to him was that people knew about those meetings, in addition to that the notice must state the date, time and place of the hearing, the location where copies of the strategic partnership agreement may be viewed prior to the meeting, so that they were made available to those who were interested, that Mr. Dougherty and his group had conducted a number of those types of annexations over the past five years or so, that he was familiar with them in the sense that his group then filed the Section 5 Voting Rights Act Submissions on them, they never had a problem with any of the procedures because he knew they followed the statutory requirements implicitly, the other part of that was that the standards for the MUDs were somewhat different, many times they were citizen operated MUDs and were operated by persons in the neighborhood who were voted by their citizens to be board members and did not have quite a strict requirement but yet they did have requirements to give notice, but as they saw Mr. Dougherty had noted that it was to be given in accordance with the districts notification procedures for other matters of public importance and the fact of the matter it was left pretty much to their discretion, if they gave no notice at all, he thought certainly there would be a problem, but he believed that was not what had occurred in this group of limited purpose annexations, or in prior ones, because there were always efforts made to get the notices out, that as Mr. Dougherty noted the City could, in the future, take a posture that they were not going to negotiation with them unless they agreed to do additional notices but that had not been City policy in the past, the Council always had that opportunity. Council Members Galloway, Garcia and Berry absent.

Council Member Ellis asked Ms. Wallace if they had any objections from any of the other MUDs or residents around the MUDs and Ms. Wallace stated that they had more than 80

different agreements with MUDs in the Houston area and they had not had objections, that the board members were all elected to the board. Council Members Galloway, Garcia and Berry absent.

Upon further questions, Ms. Wallace stated that the three districts that they were considering today all voted affirmatively and 132 and 153 voted unanimously and 152 voted not to go forward and as a result they were not considering it today, that the local newspaper began running articles on the strategic partnership agreements in early January when the Council took the action to set the public hearings and there were weekly articles in the local newspaper, that as part of the strategic partnership agreement, as they were negotiated the City of Houston did not annex for general purpose the remaining portions of the MUD for 30 years. Council Members Galloway and Berry absent.

Upon further questions, Mr. Cheatham stated that the laws that a MUD was governed by were setup by State and Federal Law, that it was State Law, Chapter 43 of the Texas Local Government Code. Council Member Galloway absent.

After further discussion by Council Members, Council Member Galloway moved to call the question, and Mayor White stated if there was no objection it was so ordered.

A roll call vote was called on Item No. 58.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting aye	ORDINANCE 2005-0270 ADOPTED.

58a. 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 – **(These were Items 43a on Agenda of March 9, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented.

A roll call vote was called on Item No. 58a.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting aye	ORDINANCE 2005-0271 ADOPTED.

59. 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 – **(These were Items 44 on Agenda of March 9, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented.

A roll call vote was called on Item No. 59.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting aye	ORDINANCE 2005-0272 ADOPTED.

- 59a. 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 – **(These were Items 44a on Agenda of March 9, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)**

A roll call vote was called on Item No. 59a.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting aye	ORDINANCE 2005-0273 ADOPTED.

60. 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 – **(These were Items 45 on Agenda of March 9, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented.

A roll call vote was called on Item No. 60.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting aye	ORDINANCE 2005-0274 ADOPTED.

60a. 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 – **(These were Items 45a on Agenda of March 9, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented. Council Members Wiseman, Sekula-Gibbs, Green and Berry voting no, balance voting aye. ORDINANCE 2005-0275 ADOPTED.

61. MOTION by Council Member Quan/Seconded by Council Member Khan to adopt 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 – **(These were Items 56 on Agenda of March 9, 2005, POSTPONED BY MOTION #2005-214)** - was presented. All voting aye. Nays none. MOTION 2005-0249 ADOPTED.

Council Member Edwards stated that she was really excited how they were very much concerned about their neighbors but she would ask her colleagues to be that concerned about their own residents who voted for them as they were for those who did not.

61a. 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) – **(These were Items 56 on Agenda of March 9, 2005, POSTPONED BY MOTION #2005-215)** – was presented, moved by Council Member Garcia, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2005-0250 ADOPTED.

Council Member Holm stated that she would release her tag on Item No. 36.

Council Member Khan stated that she would release her tag on Item No. 37.

36. ORDINANCE establishing a maximum contract amount for contract between the City of Houston and **DENTON, NAVARRO, ROCHA & BERNAL, P.C.**, as originally approved by Ordinance No. 2004-0686 - \$44,000.00 - General Fund – was again before Council. All voting aye. Nays none. ORDINANCE 2005-0276 ADOPTED.

16. **THE LETCO GROUP, L.P.** for Landscape, Plants, Trees, Grass and Associated Materials, Part II, for Various Departments - \$176,186.36 - General and Enterprise Funds – was

again before Council, previously moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0251 ADOPTED.

37. ORDINANCE accepting the individual proposals from **WESTCHESTER FIRE INSURANCE COMPANY, LEXINGTON INSURANCE COMPANY, HARTFORD FIRE INSURANCE COMPANY, ESSEX INSURANCE COMPANY, RSUI INDEMNITY AND INSURANCE COMPANY, JAMES RIVER INSURANCE COMPANY, COMMONWEALTH INSURANCE COMPANY, UNDERWRITERS AT LLOYDS LONDON, CLARENDON AMERICA INSURANCE COMPANY, HOMELAND INSURANCE COMPANY OF NEW YORK, QBE INTERNATIONAL LIMITED, AXIS SURPLUS INSURANCE COMPANY, LIBERTY MUTUAL FIRE INSURANCE COMPANY** and **CONTINENTAL CASUALTY INSURANCE COMPANY** which are participating in the Layered Property Insurance Program and approving and authorizing the purchase of a General City Property Insurance Policy - \$5,908,613.00 – was again before Council. All voting aye. Nays none. ORDINANCE 2005-0277 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Quan first stated that as had been discussed earlier they had scheduled a very lengthy meeting tomorrow on Neighborhood Housing and Redevelopment concerning several items concerning the CDBG funds, there was good discussion at the table earlier and hoped that those Council Members and other Council Members could attend the meeting and ask those questions of the Director, that Mr. Wilson had gone over it very carefully so before the item came up for a vote at the next meeting this would be an opportunity to get information. Council Members Galloway, Khan and Sekula-Gibbs absent.

Council Member Quan stated that they had various citizens come before Council concerning BARK, Bureau of Animal Regulation and Control and ask they knew there was a new kennel that had been under development and was now open, that they hoped to schedule a review of the new facilities to see how animals were being treated by the City of Houston. Council Members Lawrence, Galloway, Khan and Sekula-Gibbs absent.

Council Member Quan stated that he wanted to thank Council for supporting the Super Bowl Resolution. Council Members Lawrence, Galloway, Khan and Sekula-Gibbs absent.

Council Member Quan stated that he wanted to invite everyone to a special performance of the King and I as they celebrate Asian Heritage Day at the Theater Under the Stars, that they would have special guests including the grandson of the original Anna of the King and I. Council Members Lawrence, Galloway, Khan and Sekula-Gibbs absent.

Council Member Quan stated that he wanted to wish everyone a Happy Saint Patrick's Day and wanted to thank Ralph's Catering for catering breakfast. Council Members Lawrence, Galloway, Khan and Sekula-Gibbs absent.

Council Member Berry stated that there was a Houston Business Journal article about the Solid Waste Department enforcing a law that they were required to have a permit if they were going to have a dumpster and they found that people did not have the permits and that there was a \$75 fee attached to it and some people were paying it but most people were not, that Mr. Fontaine had been working with Mr. Buchanan, Director of Solid Waste, on it and they had collected over \$2 million in revenues. Council Members Lawrence, Galloway, Khan and Alvarado absent.

Council Member Berry stated that he appreciated the fact that Mr. Wilson, Director, Housing and Community Development had gone out of his way to try and meet with him and to make sure that he understood Mr. Wilson's goals for the department, that he liked the openness and transparency. Council Members Lawrence, Galloway and Green absent.

Council Member Berry stated that they had a lot of discussion last week, as Council Member Quan had mentioned, on the BARK issue and he had some real concerns about the quality with which they were treating the dogs, that Mr. Williams sent one of the most comprehensive responses to an issue that he had ever seen, that he addressed point by point in his memo two days after the issue came up, that he appreciated it and thought it was very professional and gave proper respect to the process. Council Members Lawrence, Galloway and Green absent.

Council Member Quan stated that Mr. Wilson would be giving that report on Thursday. Council Members Lawrence, Galloway and Green absent.

Council Member Ellis stated that the dumpster permit issue first came to their attention by an individual who came to a public session and asked why they were not collecting the permit fees on the dumpsters, that he was glad to see that they did get some advice from the general public and it could benefit all of them and the City. Mayor White and Council Members Lawrence, Galloway, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Ellis stated that in regard to the Strategic Partnership Agreements and the notification process he believed that the City had done it properly, there was some leeway for the MUD boards as stated in the memo, but he would request that they send it to the Regulatory Affairs Committee and the Planning and Development Committee and request Council Member Goldberg to evaluate whether or not it would be appropriate for them to request that on all the water bills that the MUDs put some notification on the bills, that it might be a better notification process so they did not wind up going through it again. Mayor White and Council Members Lawrence, Galloway, Holm, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that they would try and put it onto the agenda soon. Mayor White and Council Members Lawrence, Galloway, Holm, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that as to BARK this past week he was presented a proposal by Mr. Shaun Hawkins from the Spay and Neuter Project and it was the most comprehensive packet of proposal that he had ever seen that he was very impressed with it and hopefully it was something the administration could take up or the proposal could go to Council Member Quan committee. Mayor White and Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated that Rice University and the University of Houston Women's basketball teams were going to play in the NCAA Tournament and for the first time ever the Kingwood Boys Basketball Team were the State Champs in 5A competition. Mayor White and Council Members Lawrence, Galloway, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that not only were they proud of Kingwood High School for their State 5A Boys Championship, that she was pleased that the City would be honoring them for that accomplishment, that they did an outstanding job, that Mr. Nick Wise was incredible and was the game MVP and Houston Chronicle Athlete of the Week as well, that they were very pleased with the coach and the boys for doing an outstanding job, that the Kingwood High School Boys and Girls Swimming and Diving teams competed in the State 5A Swimming and Diving Competition on February 26, 2005 and the boys took home the First Place title. Mayor White and Council Members Lawrence, Galloway, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Green stated that Texas Southern University was having their TSU Relays this weekend at Rice Stadium, that the opening ceremonies were at 5:30 p.m. on Saturday, March 19, 2005 and there would be individuals from all over the Country participating in many of the track and field events, that it was the 54th Annual TSU Relays and there should be a very large outpouring of community support. Mayor White and Council Members Lawrence, Galloway, Khan, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she would also like to congratulate the Kingwood High School Boys Basketball team, especially Mr. Chad Hamilton. Mayor White and Council Members Lawrence, Galloway, Khan, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that Agenda Item 30 was regarding HIV and CBOs, that they were attempting to have a briefing regarding HIV and Hepatitis C in the City, that they cancelled it because they could not get enough Council Members at the meeting because of scheduling problems, that they were doing a breakdown by district so the Council Members could see how their district was being affected by HIV and Hepatitis C because they really had to look at some funding issues, that they would be notifying the Council Members again and hoped to have as much participation as possible. Mayor White and Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that regarding Agenda Item 56, Kipp Academy, she was very concerned about what was going on in District D, especially with the schools and how it was impacting the quality of life, that they were trying to build housing and community development and they were losing schools, and Council Member Quan stated that they had a task force that had been looking at building communities and he would be releasing a report shortly on their recommendations. Mayor White and Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that they were going to be meeting with Mr. Love and the Coalition for the Homeless, in the Third Ward they had noticed that a lot of the homeless population had been shifted and were now taking up residence in that area, that they really needed to look at what was happening in the City regarding the homeless population, and Council Member Quan stated that it was a very big issue and the preliminary study had been done on ending chronic homelessness, that they had two meetings planned to work on developing a plan before they brought to the committee. Mayor White and Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she had passed out a card on Unity Day, that it was a program that was modeled after something that went on in Philadelphia and they now had over a million people who attended their Unity Day event, that they were trying to highlight the diversity of Houston, Texas and it was going to be a great day and they would like to have as many Council Members as they could to come out and greet the crowds. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he would not be able to attend, at the State Capital, legislation hearings on the Cantina Legislation that State Representative Farrar was proposing but they did have residents from the district in Austin supporting her in that regard. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that on Saturday at Moody Park would be the Northside Central Civic Club's Easter Egg Hunt at 1:00 p.m. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that on Saturday and Sunday there would be the Bayou City Art Festival at Memorial Park, that it was a great event. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that as to Mr. Rodriguez, it was a great honor to a great man and he respected Council Member Goldberg's questions on the issue. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that they would have the first Tour de Houston this weekend, that as of last week 1,200 people had signed up, that it would go through downtown, the Heights and parts of Third Ward, the East End and the Medical Center and then back to downtown, that it was a 20 mile and 40 mile ride and proceeds would benefit the Parks and Recreation Board. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that they lost a firefighter this past week, that he did not die in the line of fire, that Mr. Henry Martinez was a 22 year veteran of the Houston Fire Department and was a single father leaving five children behind and asked for a moment of silence for Mr. Martinez. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that this weekend there would be a tribute ceremony at the Houston Firefighters Memorial Garden, which was dedicated in 2001, that it would commemorate the Wall of Honor which was in honor of all the firefighters who had died in the line of duty. Mayor White and Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that the Ambassador of Sierra Leon would be visiting the City and would be hosted by Mr. Gerald Lomack and visiting the Watkins Foundation, that he would be touring some of the health facilities in Houston, that there would be a Round Table discussion at 4900 Fannin regarding health issues and the public was welcome. Mayor White and Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to congratulate the new super neighborhoods that they had in the City, Westbury and McGregor area and Spring Branch North. Mayor White and Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to thank his colleagues for approving the Kipp Academy, that they appreciated their support on it. Mayor White and Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that they were holding a crime prevention summit on March 28, 2005 at the Houston Baptist University from 5:30 p.m. to 8:00 p.m. Mayor White and Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that the Ibn Sina Foundation, which was a health clinic championed by Council Member Sekula-Gibbs, was doing their appreciation event on March 31, 2005

at the Hilton Americas Hotel at 7:00 p.m. Mayor White and Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she wanted to remind her colleagues and the public that there were no Council meetings on March 22 and March 23, 2005, that the next Council meetings were on March 28 and March 29, 2005.

There being no further business before Council, the City Council adjourned at 12:30 p.m. Mayor White and Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary