

City Council Chamber, City Hall, Tuesday, April 19, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 19, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Ada Edwards absent due to being ill.

At 2:05 p.m. Mayor White stated that Council Member Alvarado would begin the presentations; and Council Member Alvarado stated that she was present to present two Certificates to Billal Mabizarzi, who was eight years old and Sam Roberts, age 13, as they were winners of the Bikesmart Handbook Contest, but both absent because of testing and invited Mr. Mabizarzi and Lilly Beth to the podium to accept the Certificates for them; and also presented them a \$500.00 gift certificate from Bike Barn. Council Members Lawrence, Galloway, Goldberg, Wiseman and Holm absent.

Council Member Alvarado stated that her next presentation was to the Orange Show Center for one of the most fun events in the city, The Art Car Parade, which brought many people to downtown; and invited those present to the podium. A spokesperson stated that Mayor White was the first Mayor to ride in an Art Car Parade and they wanted to thank him; that a lot of people could ride on the Dragon and the Mayor and Council Members could come out and see the 100,000 to 150,000 voters lining the streets; that they appreciated all their support and T-shirts and information was presented to all present. Council Member Lawrence absent.

Council Member Berry stated that he appreciated everything that they did and thanked the Marsh family for being good corporate citizens. Council Member Lawrence absent.

Mayor White stated that he was at a film debut and a visiting professor from Paris came to him and stated that he and others had looked at every city in the western hemisphere and decided Houston was the most exciting and they came here to study; that what Houston would be world famous in fifteen years because of the Art Car Parade, so they were making Houston known and he thanked them all. Council Member Lawrence absent.

Council Member Ellis invited those present with The Homes of St. Mark to the podium and stated that it was their 50th anniversary, they were an adoption agency which did much for the community and placed over 4,800 children; that they also provided orientation, training and support groups; and along with others he and his wife appreciated them very much; and presented them a Proclamation proclaiming April 19, 2005, as "The Homes of St Mark Day", in Houston, Texas. Ms. Charlene Houston, founder, was introduced and Mr. Weldon Taylor expressed appreciation for the group. Council Members Lawrence, Wiseman and Berry absent.

At 2:20 p.m. Mayor White called the meeting to order and called on Council Member Sekula-Gibbs who invited Pastor D. Young of the Hope Church in Clear Lake City to lead in the prayer and Council Member Sekula-Gibbs led all in the pledge. Council Member Lawrence absent.

At 2:23 p.m. the City Secretary called the roll. Council Member Edwards absent due to being ill. Council Member Lawrence absent.

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

Council Member Garcia moved that the rules be suspended for the purpose of hearing Ms. Elizabeth Adams, Mr. Bruce Harrison, Mr. Chad Cutter, Ms. Betty Hecker, Mr. Joe Amante, Ms. Mary Jane Connolly-O'Fiel out of order and add Mr. Rex Keel to the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Lawrence absent. MOTION 2005-0344 ADOPTED.

Council Member Green moved that the rules be suspended for the purpose of hearing Ms. Robin Holzer as the first one minute speaker and Ms. Polly Ledvina as the last one minute speaker, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Lawrence absent. MOTION 2005-0345 ADOPTED.

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

Mr. Rex Keel, who was previously added to the speakers list, appeared and stated that he was with Norit Americas and was a longtime supplier to the City of Houston for drinking water treatment which was made in Marshall, Texas, and was present regarding Agenda Item 14, a contract for powdered activated carbon; it was a three year contract and to be awarded to Advanced Environmental which was in the state of Washington and the carbon they supplied was from China; that sometimes their products were fine and sometimes they were not, plus he knew some cities had preference in awarding to locally based companies and he did not know if Houston was one. Council Members Lawrence, Alvarado and Green absent.

Council Member Berry stated that a couple of years ago the Brown Administration was trying to favor local companies and someone said it was unconstitutional and he would like a letter from Legal stating to what extent they could favor a local company; and Mayor White stated that when it came to noncompetitive or professional services the local presence was a factor looked at elsewhere and the issue had come up in the last several weeks about the use of scoring systems and the like; that he thought it appropriate and fair to encourage jobs be here; and Council Member Berry stated that he would like to know what the law was and then maybe they could begin to formulate a policy. Council Members Lawrence, Alvarado and Green absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Keel stated that they lost the contract by \$1.00 a ton and they had the contract for three years; and Council Member Sekula-Gibbs stated that she would also like clarification regarding buy Houston/buy American, but then again on the other hand if you lose you lose, but she appreciated it being brought to their attention. Council Members Lawrence and Green absent.

Council Member Khan stated that he understood cities around the country were giving preference to local companies and he would like to see that at some point because it did stay in the local economy. Council Members Lawrence and Green absent.

Ms. Elizabeth Adams, 525 Hohldale, Houston, Texas 77091 (713-582-6082) appeared in opposition to the city's proposed communication tower Location and stated that she was president of the Shepherd Oaks Civic Association and lived less than 500 feet of the proposed HEC tower location; that her group was not attempting to stop the building of the tower but asking for an alternate location which was not in the midst of a neighborhood; that the city established ordinances to protect its citizens and read subsections 41-50 of Article III which prohibited a tower unless it was at a distance at least equal to the applicable setback area and for a tower that tall the setback would be 800 feet and some resident homes were within 150 feet and by exempting themselves from their own ordinance they were ignoring the original intent of why it was established which was safety; and urged they find another location. Council Members Lawrence and Green absent.

Upon questions by Council Member Quan, Ms. Adams stated that the city was not willing

to work with them, instead said if they could not build there they might as well not build at all. Council Members Lawrence and Green absent.

Council Member Garcia stated that after the speakers he thought it appropriate to suspend the rules to hear from Chief Storemski regarding the issue; that they were taking it seriously and not building just because they could. Council Members Lawrence and Green absent.

Mr. Bruce Harrison, 510 Hohldale, Houston, Texas 77091 (713-695-9520) appeared in opposition to the city's proposed communication tower location and stated that he was a board member of the Shepherd Oaks Civic Association and owner of the home directly behind the city's proposed location for the 480 feet communication tower; that the city disregarded safety building code requirements and guidelines and it would cause devastating property values and also FHA home loans and improvement loans were not available to residents within the fall zone or setback of such a structure and approximately 47 family homes fell within that setback area and insurance would be very difficult to obtain if at all. Council Members Lawrence and Green absent.

Mr. Chad Cutter, 525 Hohldale, Houston, Texas 77091 (281-591-8018) appeared in opposition to the city's proposed communication tower location and stated that he was vice president of the Shepherd Oaks Civic Association and lived within 500 feet of the proposed tower; that no other location was ever considered and one was offered to the city less than half a mile from the HEC center and not within a residential neighborhood, but Dennis Storemski said if he could not build it there he just would not build it with the two reasons being security and cost, but a concrete structure with steel doors would make it too difficult to break in and in addition cameras could be placed to monitor; and though it may cost more upfront to move the location of the tower how could they compare cost of cabling to human lives as they were at risk and the HEC Center should not be considered as the location. Council Members Lawrence, Green and Berry absent.

Upon questions by Council Member Quan, Mr. Cutter stated that the Knights of Columbus offered land for the tower. Council Members Lawrence and Green absent.

Ms. Betty Hecker, 321 Del Norte, Houston, Texas 77018 (713-695-6017) appeared in opposition to the city's proposed communication tower location and stated that she lived in Shepherd Oaks and when their neighborhood realized how quickly the city was going to build the tower, how unwilling they were to consider any other location and share information they decided to seek independent information from an expert in the field and read from a letter of a professor of electrical and computer engineering at Rice University whose expertise was in wireless communication and who had also served on the City of Houston's tower commission for nearly five years urging they reconsider their position on building such a tower in a residential area and strongly recommended forming a blue ribbon committee to study the many alternative solutions to the HEC tower. Council Members Lawrence and Green absent.

Council Member Khan stated that the letter did not say why they should not have the tower at the HEC Center; and upon questions, Ms. Hecker stated that realtors had told her the tower would cause a minimum decrease in property value of 10% and those closer could be 20%; that he did not put technical reasons for not building the tower, but in negotiating a problem you did not start by poking them in the eye and it may have made it more difficult for him to participate. Council Members Lawrence, Galloway and Green absent.

Mr. Joe Amante, 519 Hohldale, Houston, Texas 77091 (713-849-8178) appeared in opposition to the city's proposed communication tower location and stated that the HEC Center was directly at his back fence and when he bought his decision was based on the fact that the new civic association had rekindled the birth of the neighborhood and rising values in the neighborhood supported the cost of rebuilding the home and with the deed restrictions now being enforced Dr. Durham was forced to sell his clinic as a residence and now with a giant

tower looming over them there was no question property value and quality life would be impacted and some may find their loan balance exceeding the price of the market value if there would be one. Council Members Lawrence, Galloway and Holm absent.

Mayor White stated that they understood the passion on the issue and when he heard of this the first thing he asked was if it was well known and advertised; that if this was necessary for the communication then some consideration should have been given to the economic value on the adjacent land owners when the facility was built; that at this point some cards had been dealt; and he thanked him for being present. Council Members Lawrence, Galloway and Holm absent.

Ms. Mary Jane Connolly-O'Fiel, 207 E. Burress, Houston, Texas 77022 (713-699-3654) appeared in opposition to the proposed city's communication tower location and stated that she was president of the Yale Victoria Civic Club less than a mile from the HEC Center and she thought the Mayor should be aware that at implementation of the center no one, to her knowledge, was informed of the 500 feet tower and this would be one of many; that she had questions as to the environmental and health impact and they had been working on this since October and if they would have received answers to questions they would not be present today. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Goldberg stated that he did not know all the answers, but was on Council when it was voted on and he was lied to about the facility and today still did not know if what he was told was true, but if it made them feel better the director of Building Services who made that decision was currently under federal indictment on another matter; and Ms. Connolly-O'Fiel stated that what was right was right. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Garcia stated that he appreciated her and the others passion on the issue and thanked them for the time they put in trying to find answers from other sources; that he wanted to provide opportunity for public dialogue and looked to the Administrations' help to make this right. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Alvarado stated that when she was on the phone she was trying to obtain if this was in the original budget of HEC and was told it was not and she was looking for some justification for a tower of that size. Council Members Lawrence, Galloway, Holm and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of hearing from Chief Storemski, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Members Lawrence, Galloway, Holm and Berry absent. MOTION 2005-0346 ADOPTED.

Upon questions by Council Member Garcia, Chief Storemski stated that he was not a technical expert on radios and when he took the position the program was already in motion; that he reviewed all discussions with consultants and talked with the city's technical people and decided it was needed; that during Tropical Storm Allison the entire police radio system went down and there was no communication for almost an hour; that the system failed because of flooding at 61 Riesner and the reason the tower needed to be on site was if every other system failed they would still be able to communicate from the HEC Center and if it was moved to any other location you would have to depend on hardware, commercial circuits, etc., and they would be back in the same position they were in during Tropical Storm Allison; that if it was placed at the police academy they would still have to have some form of circuit from the HEC Center to the tower; that with the Knights of Columbus property they would have to lay wire and again be back where they were before and the other issue was in today's environment you wanted your backup system to be completely secure. Council Members Lawrence, Galloway, Ellis and Berry absent.

Upon questions by Council Member Khan, Chief Storemski stated that he could not address real estate issues, but as long as the HEC Center was where it was that was where the tower needed to be, he was not being arrogant when he said if the tower was not there the whole issue of a backup tower was a moot issue because the intent was to have the tower where they would dispatch from so they did not have to depend on telephone lines or microwave; that the system was becoming obsolete and in about four to five years they should look at replacing the whole system. Council Members Lawrence, Galloway, Ellis and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Chief Storemski stated that the tower at Riesner was just about the same height of the proposed tower; that now it transmitted the signal from Riesner to others throughout the city; and Council Member Sekula-Gibbs stated that the lives of those around the tower would be forever changed and Council Member Goldberg stated he did not know the tower was even a part of the plan and if he was saying the tower could be no where else then how would they mitigate the damage; that if home values dropped below the loan value then they would have to walk away from their homes and there would be serious issues and they did not want to lose good neighborhoods; and she would ask the Mayor to request Mr. Wilson to possibly look at this in terms of the neighborhood under stress; that in Aviation there was such but she did not know if there was in the Homeland Security Department that would help with this and she was not even saying they wanted to leave their neighborhood; and upon further questions, Chief Storemski stated they were not projecting any other towers of that height. Council Members Lawrence, Galloway, Goldberg, Khan, Alvarado and Berry absent.

Upon questions by Council Member Garcia, Chief Storemski stated that they were in compliance with the ordinance because it did not cover them, they were exempt from it, but they could move it further north so it would be further than 500 feet of personally owned homes and that may address the FHA issue, it would just be moved nearer to Donovan Street; and Council Member Garcia stated that if the tower was to be a reality to the neighborhood he was expecting the city to comply and expected to have his word on it; and Chief Storemski stated absolutely; and upon further questions, Chief Storemski stated that he tried to schedule a meeting with the professor at Rice before this meeting and could not get it done, but when they did have the meeting he could be included; that the consultants used by the city had done radio systems throughout the country and were very reputable and he respected their opinions. Council Members Galloway, Goldberg, Khan, Alvarado, Quan and Berry absent.

Council Member Garcia stated that he thanked Mayor White for the Administration's discussion on the issue; that he knew how concerned the community was and had valid points and he would like his continued support in making sure the issues were being worked through; and Mayor White thanked those for coming today and he received a briefing practically every Friday from Mr. Hall on this because he did know of the concerns and did understand the point of public facilities infringing on property values. Council Members Galloway, Goldberg, Khan, Alvarado, Quan and Berry absent.

Ms. Robin Holzer, 1306 Fairview, Houston, Texas 77006 (713-301-5716) appeared, presented information and stated that she was a Neartown resident and member of the Citizens Transportation Coalition and they were working with Houston legislators to change state law and make the County Toll Road Authority more accountable to the public, specifically they believed every toll road project should have a public participation process and be subject to a full environmental review; that they asked the Harris County Commissioners Court to voluntarily hold meetings which affected communities but they had not; that they also believed local municipalities like the City of Houston deserved a legal say in county toll road projects which did affect the jurisdiction and they outlined proposed changes in state law in the Toll Road Accountability Resolution which they had before them; that more than 25 organizations and super neighborhood councils agreed with the resolution. Council Members Galloway, Alvarado,

Quan and Berry absent.

Mayor White stated that he was looking at it and the stakeholder input made sense; that he had all Bills pulled being introduced in the Legislature and had a news clip from the River Oaks Examiner stating Rep Martha Wong was filing Bills to block any roadway to be built with public funds from being converted into a toll way, but he could not find the Bill she was wanting the city to endorse; and upon questions, Ms. Holzier stated that Rep. Wong's office called and they spoke to them about the two Bills and one was not their issue but other city residents were interested in it and 2496 required public notice for public hearings for toll funded projects but did not actually require public hearings and she said that was perhaps an oversize and she told them she was now working with Rep. Mike Kristy, who heads the House Transportation Committee, to get provisions they were asking for added to one of the Transportation Bills, but she did not have a specific Bill number to offer him today to say it was the one they wanted, but they were looking for the city's public support in principal to the changes in state law so the Toll Road Authority would be subject to the same regulations that protects citizens interest that other federally funded agencies were. Council Members Galloway, Alvarado, Quan and Berry absent.

Upon questions by Council Member Khan, Ms. Holzer stated that other big public agencies which spend public dollars on transportation infrastructure have a required process to provide notice to public leaders and capture input, but Harris County did not; that neighborhoods wanted public meetings. Council Members Galloway, Alvarado, Quan and Berry absent.

Council Member Lawrence stated that this was an issue with all in the city and her office had contacted the Legislature, it was past time for a Bill in the House and they were trying to get an addendum added; that they spoke with John Lindsey and he assured they would know when something came about. Council Members Galloway, Khan, Alvarado, Quan and Berry absent.

Mayor White stated that Council Member Lawrence along with other Council Members asked to become involved in legislative guidance and he looked to a Bill dealing with public money conversion introduced by Representative Wong and they did support it; that under the City Charter he could direct specific policy to Bills and they told the team in Austin to support something like this. Council Members Galloway, Quan and Berry absent.

Council Member Garcia thanked Ms. Holzer for offering a solution and he did offer a letter to the Mayor supporting their resolution. Council Members Galloway, Quan and Berry absent.

Council Member Holm stated that it was important to have input; and upon questions, Ms. Holzer stated that she did not know if language was drafted to amend a current a current proposed Bill that would meet with satisfaction, but she was confident another speaker would know the answer. Council Members Galloway, Quan and Berry absent.

Mr. Rich Farley, 4617 Creekbend, Houston, Texas 7035 (713-398-0808) appeared, presented information and stated that he was director of the Willowbend Civic Club and their constituents were astonished that the Harris County Toll Road Authority could build a freeway from Main to the 610 Loop through their neighborhood without having to hold public hearings, etc., it was wrong and they approved the presented resolution unanimously; and urged Council to also. Council Members Galloway, Garcia, Quan and Berry absent.

Ms. Christine Levin, P. O. Box 31657, Houston, Texas 77231 (281-352-4425) appeared and stated that they had a Ft. Bend County Toll Road coming into their neighborhood and it was mind boggling and none of them knew about it beforehand and there were no environmental test done. Council Members Galloway, Garcia, Quan and Berry absent.

Ms. Carol Obenhous, 1818 Viking, Houston, Texas 77018 (713-681-0533) appeared and stated that their homeowners association passed a resolution unanimously supporting the CTC

resolution on toll road accountability; and she was asking for the Mayor and Council's support to help them have a say. Council Members Galloway, Garcia, Quan and Berry absent.

Ms. Marci Perry, 1619 Webber, Houston, Texas 77007 (713-863-9773) appeared and stated that she was president of the First Ward Civic Council and member of the Citizens Transportation Coalition and was present asking for the Mayor and Council's support on transparency of the Toll Road Authority. Council Members Galloway, Quan and Berry absent.

Ms. Linda Smith, 6640 Community, Houston, Texas 77005 (713-664-3521) appeared and stated that she was a member of the Citizens Transportation Coalition and asking for Council to continue their support in any legislation to empower municipalities and its citizens; and thanked Council Members who had already shown support. Council Members Galloway, Quan and Berry absent.

Mr. Jonathan Paul, 917 Franklin #250, Houston, Texas 77002 (713-227-1525) had reserved time to speak but was not present when his name was called. Council Members Galloway, Quan and Berry absent.

Ms. Marrison Von Meier, 605 West 19th, Houston, Texas 77008 (832-567-2887) appeared and stated that she lived and worked in the Houston Heights and was a member of the Citizens Transportation Coalition and was urging Mayor White and Council Members to publicly support toll road accountability and citizen input. Council Members Galloway, Quan and Berry absent.

Mr. Gordon Kuehl, 10915 Willowwisp, Houston, Texas 77035 (713-308-2835) appeared and stated that he was the past president of the Willowbend Civic Club and was also asking for the Mayor and Council to support toll road accountability; that his front yard was where the proposed Ft. Bend toll way was coming; that they adopted the CTC resolution and asked Council do the same. Council Members Galloway, Quan and Berry absent.

Mr. Ken Lindown, 3317 Morrison, Houston, Texas 77009 (832-754-1202) appeared and stated that he was a member of the CTC and Willow Heights Civic Club and asked all those present on the issue to stand to be recognized. Mr. Lindown further stated that Council had an 800 pound gorilla on their hands; that the Toll Road Authority had unlimited funds, unlimited power and no public input; and he would appreciate the Mayor and Council's help. Council Members Galloway, Quan and Berry absent.

Council Member Alvarado stated that she supported their position; and upon questions, Mr. Lindown stated that he heard from Judge Eckles that if a freeway went through he could just move his house and he was not impressed with any commissioners he had come across as yet and felt they had way too much power; and Council Member Alvarado stated that she would encourage them to continue going to Commissioners Court on the issue. Council Members Galloway, Quan and Berry absent.

Council Member Garcia urged the group present to make their presence known to the Toll Road Authority at the Commissioners Court and let them hear them also. Council Members Galloway, Quan, Sekula-Gibbs and Berry absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) appeared and stated that he was president of the Houston Property Rights Association and his organization had not taken a position on this; that he was also an active member of the Citizens Transportation Coalition and there was no way for citizens to bring in information for policy debates and he was asking the Council to also support the legislation being asked for. Council Members Galloway, Quan and Berry absent.

Ms. Ann Baumgardner, 1012 Bayland, Houston, Texas 77009 (713-868-1574) appeared and stated that she was from British Columbia and lived in the Houston Heights and was urging

Council's support on toll road accountability. Council Members Lawrence, Galloway, Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he did support them and sent a letter to the Mayor urging support of the resolution and the legislation and he agreed with all the speakers, what they said was true; that two years ago they accidentally found out about the toll road and asked for a town hall meeting with the Toll Road Authority and then they did not show up, afterwards they would not meet with them and still deny a toll road was being built while business owners were saying their property was being condemned for the toll road; and he felt it important to pack the rooms of the Legislature and E-mail and write them and let them know they may not be reelected if they did not support this; that they were the only road building authority he had heard of which did not have to hold a public hearing and it was outrageous. Council Members Lawrence, Galloway, Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that at least the city had fair notice of potential major thoroughfares; that people may not like it, but it allowed public comment; that issues were being raised and he wanted them to know it. Council Members Lawrence, Galloway, Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia welcomed Ms. Baumgardner to the Heights and stated that he wanted to share he had a calendar of the Commissioners Meetings and the next one was April 26th and while they were there he would like them to put in the right drainage and not use TxDOT as a model. Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Berry absent.

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas 77005 (713-524-4578) appeared and stated that she thanked all Council Members for their letters and it was clear they had gotten the message of what their constituents wanted and thanked Mayor White for his offer to pursue it with the Legislature; and at this point there were no Bills addressing what they would like to happen, but they were told language would be tagged on to address public participation and environmental review aspects. Council Members Galloway, Wiseman, Sekula-Gibbs and Berry absent.

Mayor White stated that regarding a point of contact there was probably no one any better than Maurine Crocker to listen and disseminate information, she did it in Chicago and had been working 15 hours a day with the Legislature; that he did not know how they could handicap it, but with the city you had the right to veto a county road and he did not know where that would come out, but the city wanted as much authority as they could be given but he would not be too optimistic and on public stakeholder notice he did not see why there could not be something similar to the major thoroughfare plan done on a regional basis. Council Members Galloway, Wiseman, Sekula-Gibbs and Berry absent.

Council Member Khan stated that Monday was a town hall meeting and they were welcome to come. Council Members Galloway, Goldberg, Wiseman and Berry absent.

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

Mr. Charles George, 13704 Garber, Houston, Texas 77015 (281-639-2723) appeared and stated that he was present again about his robbery, HPD case number 182356802J, he had tried to add \$500.00 to reward money and instead HPD pulled the case; that he was told to speak to Kim Ogg and she said she would not run it on her own because the police would not act on the tip if it came in and he could not identify his attackers, but many cases the attackers could not be identified and he did not know why his case would be discriminated against.

Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent.

Mayor White stated that Captain Ready was present and he could speak with him. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent.

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

Mr. Joseph Williams, 11911 Martin Luther King #8033, Houston, Texas 77048 (no phone) appeared and stated that he had been unable to work for three years now; that he was a wrecker driver and was having a problem with the Legal Department and they said he had no power to do nothing and so he came asking for help. Council Members Galloway, Goldberg, Wiseman, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Alvarado, Mr. Williams said he filed a claim and it was going on three years; and Council Member Alvarado stated that since they were in a lawsuit their ability to do anything seemed limited; and Mr. Williams said he was not working and had children. Council Members Galloway, Goldberg, Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Alvarado, Ms. Acosta stated that it was her understanding there was a trial setting for September; that the city was denying liability and there was no prospect the City Attorney could pay claim because of denial of liability, but there was nothing preventing Mr. Williams from going forward, getting a job and supporting his family; and Mr. Williams stated that they could contact his doctor and see he had medical reasons. Council Members Galloway, Goldberg, Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Kevin Howard, 4525 N. Braeswood #203A, Houston, Texas 77096 (713-294-8099) appeared and stated that he was present as sometime back he checked a book out of the library and did not get the book back timely; that he recently checked his credit report and saw a collection for the book so he returned it and paid the fine, but after he called the collection agency who stated that it would stay on his report as a collection and that was terrible for a credit check; that he felt the punishment was excessive, to ruin someone's life for a library fine; that it would affect many and he was urging that it be removed from his file and change that policy. Council Members Galloway, Goldberg, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Howard stated that he was probably four months late; that he never received notice from the city; that he did not know how long it took to get on his credit file, but a seven year punishment was a very severe punishment; and Council Member Khan stated that he would like to know the policy for city collection whether it be library or traffic. Council Members Galloway, Goldberg, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Green, Mr. Howard stated that he believed he borrowed the books in June 2004; and Council Member Green stated that most believed the Library Department was not doing enough to collect library fines and now they found themselves on the other end of the spectrum; that he was meeting with the Library Director this or next week. Council Members Galloway, Goldberg, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Alvarado, Mr. Howard stated that he had three books and his fine was \$40.00; and Council Member Alvarado stated that the process was over 120 day period there were three letters sent and then it was reported to a credit agency; that he had letters sent on August 10, August 31 and October 14, 2004, and Mr. Howard stated that he received no letters. Council Members Galloway, Goldberg, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that it would be looked into. Council Members Galloway, Goldberg, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Nichole Payne, 5500 DeSoto, Houston, Texas 77091 (713-683-6762) appeared and stated that she was an educator and was present as students were being misdiagnosed with ADHD and other sever behavioral problems and she wondered if it was an issue with Council. Council Members Galloway, Goldberg, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that although they were all involved with educational pursuits they had no oversight of HISD; that the School Board met monthly and her question was more specific to them. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. John Ryhan, 410 E. Harris, Pasadena, Texas 77506 (832-212-6651) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. John Johnson, 4210 McKinley, Houston, Texas 77051 (832-453-1900) appeared and stated that he was present to see if anything could be done for small Black churches being asked to comply with city ordinance; that it would cost some thousands to come into compliance with codes and they would have to end up shutting the doors; that specifically he was speaking of 4210 McKinley, the Greater Mt. Zion Church, they had been there so many years it seemed they could stay and then if they remodeled they would have to come up to code. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that this was something that would go out to Mr. Norman and several others; that earlier this year they talked about looking into certificates of occupancy because when someone did not pay all property taxes had to be raised or services cut; that he believed in enforcing the law, but police, etc., set priorities and he would like to follow the principal that before people started going to places of worship about certificates of occupancy he wanted someone to come to him and say everything else had been checked out and if there was a reason they could not do that he wanted to know it; that it was not to say someone was exempt from certificate of occupancy but he would like to know inspectors had checked out everything else and all was in compliance and there was nothing else to deal with. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Tony Jones, 1220 Shadow Dale, Houston, Texas 77043 (713-935-0011) appeared and stated that he thanked Mayor White for being at the forum on disability last Wednesday and thanked Council Members Green and Quan for being present; that he found out about it through the Municipal Channel; that Parks was doing a fantastic job; that in Memorial Park an officer told him his dog was allowed if he said it was and here at City Hall he had trouble because he had his dog, but he told them it was a seeing eye dog; that here they did not use the wand on him because they were afraid of the dog and maybe they should have security who were not scared of dogs. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan, Green

and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Captain Ready was present and he would like him to review with officers that issue. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that it must be difficult to go through life with issues and trying to move about and conduct business with his dog and then have trouble made for him; that she thanked him for coming and sharing his experience so it could be corrected, one issue being education with the security guards and reviewing with police the rules regarding seeing eye dogs; and Mr. Jones stated that the Commission for the Blind put out pamphlets and the dogs are not aggressive; and Council Member Sekula-Gibbs stated that she would like Mr. Cantu to get the pamphlet from Mr. Jones. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Leticia Garcia, 7108 LaPasel, Houston, Texas 77087 (832-452-6855) appeared and stated that she was present on behalf of her sister, Jacquelyn Garcia, who was in the County jail; that they were trying to get her medicine to her and she wanted to be sure she was not treated unfairly because they had come to Council. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that Mr. Richard Cantu offered to have someone work with her, Rosie Ruiz would visit with her and try and point them in the right direction. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that first her sister had to be evaluated by a physician; and Ms. Garcia stated that she had been trying to get evaluated; that she told them she was on medication, but they don't listen; and Council Member Sekula-Gibbs stated that she felt they were going to try and get her the consultation. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Irene Garcia, 8615 Dover, Houston, Texas 77061 (281-687-1492) appeared and stated that she was mother to Jacquelyn and her daughter was not herself anymore, her hands sweated, her face was red and her life was threatened; that if she did not get her medication she was going to have a nervous breakdown. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that her daughter was in a county jail and the city had no authority what they did there, but Mr. Cantu had someone who was going to speak with them. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Governor William Beal, 418 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Michael Bonner, 3100 Cleburne, Houston, Texas 77004 (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

At 5:09 p.m. City Council recessed until 9:00 a.m., Wednesday, April 20, 2005. Council Member Edwards absent due to being ill. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 20, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, April 20, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; 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. Council Member Ada Edwards absent due to being ill.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 47

MISCELLANEOUS – NUMBER 4

4. RECOMMENDATION from Chief of Police to approve injury on duty leave extension for Officer **PHILLIP SHAFFER** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Members Galloway and Berry absent. MOTION 2005-0347 ADOPTED.

DAMAGES - NUMBER 5

5. RECOMMENDATION from City Attorney for settlement of lawsuit titled **MARIA LUCERO DICKENS** v. Boyd Crosby and the City of Houston; Cause No. 805,717, in the County Civil Court at Law Number Four of Harris County - \$27,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0348 ADOPTED.

PROPERTY - NUMBERS 6 through 11

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Joe E. Evans of Evans Properties, on behalf of Capsimalis Enterprises, Ltd., (M. P. Capsimalis, general partner), for a ±3.2-foot building encroachment into Caroline Street, located at 1301 Leeland Street, adjacent to Lots 6 and 7, Block 331, South Side Buffalo Bayou, Parcel ENY5-02 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded

by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0349 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Chris Patterson of Vernon G. Henry and Associates, Inc., on behalf of Sawyer Heights Village Ltd. [SHV-GP, LLC, a Texas limited liability company (S. Jay Williams, sole member), general partner], for abandonment and sale of Ovid Street, from Taylor Street west to its terminus, and a carryover credit for Sawyer Heights Village, Ltd. for the excess conveyance value to apply only toward the future abandonment and sale of street rights of way and/or easements, in exchange for the conveyance to the City of a 35-foot-wide hike and bike easement, ±161 square feet of right of way to widen Taylor Street, and ±4,478 square feet of right of way to widen Sawyer Street, located within Oak Terrace Addition, North Side Buffalo Bayou, John Austin Two League Grant, Parcels SY5-044, AY5-059A, AY5-059B and AY5-059C - **STAFF APPRAISERS - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0350 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Chuck Davis of C. L. Davis & Company, on behalf of Memorial Hermann Hospital System (Dan S. Wilford, President), for abandonment and sale of a portion of a 10-foot-wide water line easement in exchange for the conveyance to the City of two 10-foot-wide water line easements and six fire hydrant easements, out of Memorial Southwest Hospital, Reserve A, Parcels SY5-053 and KY5-158A through H **STAFF APPRAISERS - DISTRICT F - KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0351 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY4-030, located at 2555 West Holcombe Boulevard, owned by Shaaray Properties, LLC, a Delaware limited liability company, Robert Rosen, President, for the **KIRBY DRIVE STORM SEWER PROJECT**, CIP M-0771-02-2 - **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0352 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY3-026, located at Edgebrook Drive at Theta Street, owned by Elizabeth Victor Nguyen, for **EDGEBROOK DRIVE PAVING PROJECT**, CIP N-1304-01-1 - \$26,617.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0353 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 16

16. **MCNEILUS TRUCK & MANUFACTURING (Bid No. 15)** for Special Truck & Body Replacement Parts Contract for Various Departments - \$935,217.00 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount not to exceed \$916,512.66 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Galloway absent. MOTION 2005-0354 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 47

17. RESOLUTION designating a certain property located at 2017 Preston Avenue in the City of Houston as a Historic Landmark (Cheek-Neal Coffee Company Building) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. RESOLUTION 2005-0006 ADOPTED.
18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide, prescriptive, sewer easement, located in Lots 3 and 4, Block 3, amending plat of Bradshaw Addition, Parcel SY3-031, vacating and abandoning said sewer easement to Kenneth A. Newberry, the abutting owner, in consideration of (i) his dedication of a 10-foot-wide, sanitary sewer easement, Parcel DY3-017, located in Lot 3, Block 3, amending plat of Bradshaw Addition, and (ii) his payment of \$2,700.00 and other consideration to the City - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0376 ADOPTED.
19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a 15-foot-wide easement, containing 7,356 square feet of land, more or less, and comprising the southern 7.5 feet of Lots 5 through 7 and the northern 7.5 feet of Lots 8 through 11 and part of Lot 12, Block 33, vacating and abandoning said tract, Parcel SY3-061, to Good Hope Missionary Baptist Church of Houston, the abutting owner, in consideration of (i) its dedication of a 15-foot-wide sanitary sewer easement containing 2,301 square feet of land, more or less, along the western line of Lot 12, Parcel DY3-022; both the abandonment and dedication parcels being out of Block 33, Riverside Terrace, Section 5, Houston, Harris County, Texas; and (ii) its payment of \$17,692.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0377 ADOPTED.
20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of an unnamed, 60-foot-wide Street, consisting of a 50-foot-wide, platted street right of way, located between Blocks B and C, and of a contiguous, 10-foot-wide, fee-owned strip of land out of Lot 23, Block B, Almeda Estates Subdivision; vacating and abandoning (i) Parcel Number SY4-011, a 30-foot-wide tract, containing 7,831 square feet of land, more or less, to Gamaliel Cuellar and Elsa Cuellar, the abutting owners, in consideration of their payment of \$5,090.00 and other consideration to the City, and (ii) Parcel Number SY4-042, a 30-foot-wide tract, containing 7,781 square feet of land, more or less, to Bernardo Daniel and Gamaliel Cuellar, the abutting owners, in consideration of their payment of \$5,058.00, and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0378 ADOPTED.
22. ORDINANCE issuing permit to **HSC PIPELINE PARTNERSHIP, L.P.** to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0379 ADOPTED.
34. ORDINANCE approving and authorizing sponsorship agreement between the City of Houston and **WHISPERWOOD TOWNHOMES ASSOCIATION, INC** for Solid Waste Collection Services - 3 Months - \$504.00 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0380 ADOPTED.

35. ORDINANCE approving and authorizing amendments to the 44 contracts for engineering and testing services for (1) Public Works & Engineering and (2) the Houston Airport System (passed by Ordinance No 2002-293) with **ASSOCIATED TESTING LABORATORIES, INC, ATSER, L.P., AVILES ENGINEERING CORPORATION, BANDY AND ASSOCIATES, INC, COASTAL TESTING LABORATORIES, INC, DAE AND ASSOCIATES, LTD., EARTH ENGINEERING, INC, FUGRO CONSULTANTS, L.P. GEOSCIENCE ENGINEERING AND TESTING, INC, GEOTEST ENGINEERING, INC, GROUND TECHNOLOGY, INC, HBC ENGINEERING, HERCULES ENGINEERING AND TESTING SERVICES, INC., HTS, INC, HVJ ASSOCIATES, INC, PARADIGM CONSULTANTS, INC, PROFESSIONAL SERVICE INDUSTRIES, INC, QC LABORATORIES, INC, RABA-KISTNER CONSULTANTS, INC, STORK SOUTHWESTERN LABORATORIES, INC, TERRA-MAR, INC, TOLUNAY-WONG ENGINEERS, INC.**, for an additional year with two optional yearly renewals and to identify City Holidays – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
41. ORDINANCE appropriating \$545,445.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design of Reconstruction of North Main Street from IH-45 to Airline Drive, GFS N-0744-01-2 (SB9207); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0381 ADOPTED.
45. ORDINANCE awarding construction contract to **TOTAL SITE, INC** for Water, Sanitary Sewer & Storm Drainage Systems to serve Phase One of the Clearwood Landing Subdivision; approving and authorizing an assignment of the construction contract to **UNIVERSITY DEVELOPMENT, INC**; CIP S-0800-E8-03 & R-0800-E8-03 (DPC-072) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0382 ADOPTED.
46. ORDINANCE awarding construction contract to **TOTAL SITE, INC** for Water, Sanitary Sewer & Storm Drainage Systems to serve Phase Two of the Clearwood Landing Subdivision; approving and authorizing an assignment of the construction contract to **UNIVERSITY DEVELOPMENT, INC**; CIP S-0800-E9-03 & R-0800-E9-03 (DPC-073) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0383 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE COSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from Director Affirmative Action and Contract Compliance to set affirmative action goal for airport concession contracts through September 30,2005 in compliance with DBE Ordinances 89-226 and 99-893 and DOT/FAA requirements based upon 49CFR Parts 23 and 26 – was presented, moved by Council Member Khan, seconded by Council Member Lawrence.

Council Member Galloway stated that she new there was a plan in order to improve minority participation so she hoped they would get there, and Mayor White stated that he was looking forward to it and requested that Council Member Galloway tell them what to do when she was no longer on Council for the formulas that they would use, that there was no reason to wait until January to get started on the input of the formulas.

A vote was called on Item No. 1. All voting aye. Nays none. Council Member Edwards

absent due to being ill. MOTION 2005-0355 ADOPTED.

Mayor White stated that he wanted them to meet someone who was present and would assume new responsibilities for the City, that they had a great meeting yesterday on some of the issues, that they had a new Parking Administrator in the City of Houston and requested Mr. Richard Lewis to come to the podium and to introduce Ms. Lilliana Rambo.

Mr. Lewis stated that he was happy to introduce a wonderful person, that she had 20 years of experience in both on street and off street parking, had held management positions in the Miami Parking Authority, as well as the City of Hollywood in Florida, that she had both a Bachelors and Masters Degree and had been certified by the International Parking Institute affiliated with the University of Virginia and had risen to be one of the top executives in her field and introduced Ms. Lilliana Rambo.

Ms. Rambo stated that coming to Houston was a hard decision because she was in South Florida for the past 26 years, but definitely it was a great thing to come to Houston, that she had been in Houston for the past 9 days and everyone had been so welcoming, that she was looking forward to bringing the Parking Department services that they provided to the citizens of Houston, the residents and business owners up to the standard that she knew they could in the City of Houston, that she was here to work for them and with them.

Mayor White and Members of Council welcomed Ms. Rambo and congratulated her on her new position, that they looked forward to working with her.

2. RECOMMENDATION from Fire Chief to approve the donation of Outdated/Surplus Firefighting Equipment to "Sister City" Guayaquil, Ecuador – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. MOTION 2005-0356 ADOPTED.

Council Member Quan stated that he wanted to make note of Ms. Nellie Fraga and her efforts for the Guayaquil Sister City Association, that he knew it was a long struggle in getting passage of a resolution where they could donate used equipment to other countries and other Fire Departments. Council Member Berry absent.

3. RECOMMENDATION from Acting Director Library Department for approval of Rules and Regulations for the use of the Houston Public Library System Libraries – was presented, and tagged by Council Members Wiseman and Quan. Council Member Berry absent.

PROPERTY

9. RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners into the registry of the Court, pay all costs of Court in connection with eminent domain proceeding styled City of Houston v. Woodshire Building Co., a Dissolved Texas corporation, et al, Cause No. 761,125, for acquisition of Parcel VY0-33; for the **WILLOW MEADOW RELIEF SEWER PROJECT**; GFS/CIP R-0019-RE-1 - \$35,977.59 - **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Khan, seconded by Council Member Quan.

Council Member Goldberg stated if they were ever looking for an example of waste and inefficiency then Item No. 9 ought to rank up there, that the land they were purchasing actually would have been great for Fire Station No. 37 that was less than half a mile away, but instead on the two acres of land they build a little lift station, a tiny little house on two acres of land, that now the lift station rendered the whole land un-useable, that they got the land for \$28,000 and the land that they did have to purchase for Fire Station No. 37, a half mile away, was \$1.5 million, that was the difference in what they could have saved, that it was done before the present administration, that they really needed to look at when they used their land that they

used it in the most efficient manner, and Mayor White stated that he would agree with Council Member Goldberg. Council Member Berry absent.

A vote was called on Item No. 9. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Berry absent. MOTION 2005-0357 ADOPTED.

PURCHASING AND TABULATION OF BIDS

12. **MD HELICOPTERS, INC** for Four-Person Turbine Helicopter for Police Department \$1,335,043.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Berry absent. MOTION 2005-0358 ADOPTED.
13. **NORITSU AMERICA CORPORATION** for Photo Lab Equipment from the General Services Administration Contract for Law Enforcement Equipment and Supplies for Police Department \$186,065.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Berry absent. MOTION 2005-0359 ADOPTED.
14. **ADVANCED ENVIRONMENTAL** - \$1,518,750.00 and Emergency Purchase from **NORIT AMERICAS, INC** - \$32,327.10 for Chemical, Powdered Activated Carbon Contract for the Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Berry absent. MOTION 2005-0360 ADOPTED.
15. ORDINANCE appropriating \$7,620,000.00 out of Water & Sewer System Consolidated Construction Fund for Communications Security Equipment and Components for Various Departments, CIP S-0522-07-03 – was presented, and tagged by Council Members Garcia, Holm, Wiseman, Khan and Sekula-Gibbs. Council Member Berry absent.
- 15a. **NORTH AMERICAN CONTROLS CORPORATION (NACC)** - \$4,955,000.00, **BL TECHNOLOGY, INC** - \$2,021,000.00, **ANIXTER, INC** (Bid No. 2) - \$169,000.00, **ACCESS & VIDEO INTEGRATION CORPORATION** - \$50,000.00, **TEXAS TECHNICAL SERVICES, INC** - \$780,000.00, **JOHNSON CONTROLS, INC** - \$1,325,000.00 and **HUTTON COMMUNICATIONS, INC** - \$3,000,000.00 for Communications Security Equipment and Components for Various Departments - \$12,300,000.00 - General, Grant, Enterprise and Health Special Revenue Funds – was presented, and tagged by Council Members Garcia, Holm, Wiseman, Khan and Sekula-Gibbs. Council Member Berry absent.

Council Member Khan stated that on the item there was zero MWBE goals and requested that somebody talk with him and let him know the reasoning behind having no MWBE goal on such a large contract. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she would like some to meet with her regarding the source of funds for the security cameras and whatever purchases they were going to be making, that her concern stemmed from the use of Water and Sewer money, and Mayor White stated that they would get that to her, that they took special care to allocate that portion attributable to the protection of their water and sewer system. Council Member Berry absent.

Council Member Garcia stated that he understood there were many things that they did not necessarily want to share so they would not divulge confidential issues but he would have appreciated a briefing on the project in advance since there were several initiatives that he was trying to bring to the City in regards to the identical matter and Public Works and Aviation were

aware of his efforts there, and Mayor White stated that he understood they had gotten the multiple requests for briefings and they were being arranged. Council Member Berry absent.

RESOLUTIONS AND ORDINANCES

21. ORDINANCE issuing permit to **BAGBY APARTMENTS, L.L.C.** for constructing, operating, maintaining, replacing and repairing aerial pedestrian walkways and subsurface utility ducts containing various water lines and electrical conduits within the 1500 block of Buckner Street, the 1500 block of Crosby Street, and the 700, 800 and 900 blocks of Cleveland Street, being public street rights-of-way within the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Berry absent. ORDINANCE 2005-0384 ADOPTED.
23. ORDINANCE approving and authorizing distribution of the Preliminary Official Statement related to the City of Houston, Texas Public Improvement Refunding Bonds, Series 2005A, City of Houston, Texas Public Improvement Taxable Refunding Bonds, Series 2005B and City of Houston, Texas Certificates of Obligation, Series 2005C; approving or declaring other matters incidental to the issuance and sale of such obligations; making various findings and provisions related thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Berry absent. ORDINANCE 2005-0385 ADOPTED.
24. ORDINANCE approving and authorizing a resolution and submission of a grant application, in substantially the form attached hereto, and further authorizing acceptance of Title V Funding through the Office of the Governor's Criminal Justice Division to Support the Mayor's After-School Achievement Program for Elementary School Students – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Berry absent. ORDINANCE 2005-0386 ADOPTED.
25. ORDINANCE approving and authorizing a resolution and submission of a grant application, in substantially the form attached hereto, and further authorizing acceptance of Title V Funding through the Office of the Governor's Criminal Justice Division to support the Mayor's After-School Achievement Program for Middle School Students – was presented, and tagged by Council Member Holm. Council Member Berry absent.
26. ORDINANCE amending Ordinance No. 2000-34 to ratify prior year payments made to support the **JOINT CITY-COUNTY COMMISSION ON CHILDREN**; providing a maximum contract amount \$91,316.00 - General Fund – was presented, and tagged by Council Member Goldberg. (Note: Council Member Goldberg released his tag later in the meeting.)
27. ORDINANCE approving and authorizing amendment No. 1 to Lease Agreement between the City of Houston and **ELLINGTON PARTNERS, L.P.** at Ellington Field - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Berry absent. ORDINANCE 2005-0387 ADOPTED.
28. ORDINANCE approving and authorizing Automobile Rental Concession Agreements at William P. Hobby Airport by and between the City of Houston, Texas and **SOUTHWEST-TEX LEASING CO., INC d/b/a ADVANTAGE RENT-A-CAR; ALAMO RENTAL (US) INC; AVIS RENT A CAR SYSTEM, INC; BUDGET RENT A CAR SYSTEM, INC; DTG OPERATIONS, INC, d/b/a DOLLAR RENT A CAR; ENTERPRISE LEASING COMPANY OF HOUSTON; THE HERTZ CORPORATION; VANGUARD CAR RENTAL USA INC, d/b/a NATIONAL and DTG OPERATIONS, INC d/b/a THRIFTY CAR RENTAL -**

DISTRICT I - ALVARADO – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Berry absent. ORDINANCE 2005-0388 ADOPTED.

29. ORDINANCE approving and authorizing first amendment to Occupancy Agreement between **HOUSTON COUNCIL OF THE BLIND**, as occupant, and the City of Houston, Texas, as owner, for Space in the Metropolitan Multi-Service Center - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Berry absent. ORDINANCE 2005-0389 ADOPTED.
30. ORDINANCE approving and authorizing an agreement between the City of Houston and **HERMANN PARK CONSERVANCY (HPC)** for the Hermann Park Greenway Project - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Wiseman. Council Member Berry absent. (Note: Council Member Wiseman released her tag later in the meeting.)
31. ORDINANCE approving and authorizing a contract between the City and **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** to provide federal funds for a Feasibility Study for an Intermodal Bus Facility \$150,000.00 - Grant Fund - **DISTRICTS H - GARCIA and I - ALVARADO** – was presented, and tagged by Council Member Ellis. Council Member Berry absent. (Note: Council Member Ellis released his tag later in the meeting.)
32. ORDINANCE appropriating and allocating \$15,113,464.00 out of various funds; approving and authorizing contract with **SAP PUBLIC SERVICES, INC** for an Enterprise Resource Planning System; establishing a maximum contract amount; appropriating and allocating \$7,600,000.00 out of various funds and transferring such funds to the Special Non-Recurring Project Fund for expenses relating to the implementation of the Enterprise Resource Planning System – was presented, and tagged by Council Members Wiseman, Galloway, Green, Holm, Sekula-Gibbs, Garcia, Khan, Quan and Ellis. Council Member Berry absent.

Council Member Khan stated that he understood that when they submitted their proposal they had listed few companies who were going to be their partners as far as MWBE was concerned but when the final contract was going to be allocated those companies were dropped and asked if there was a particular reason why they did not want to have the same companies participate who were part of the original proposal, and Mayor White stated that Mr. Lewis would be available to brief various Council Members including responding to Council Member Khan's question. Council Member Berry absent.

Council Member Ellis stated that it was his intention to have a meeting on Monday at 9:00 a.m. of the Fiscal Affairs Committee and would hope that Mr. Lewis could attend and give Council Members a briefing at that time, and Mayor White stated that would be a good idea. Council Member Berry absent.

33. ORDINANCE approving and authorizing sponsorship agreement between the City of Houston and **SEAFARER TOWNHOUSE OWNERS ASSOCIATION, INC** for Solid Waste Collection Services - 3 Months - \$2,304.00 - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Wiseman.
36. ORDINANCE appropriating \$268,840.00 out of Parks Consolidated Construction Fund; \$228,514.00 out of Police Consolidated Construction Fund; \$150,550.00 out of Public Library Consolidated Construction Fund; \$120,978.00 out of Fire Consolidated Construction Fund; \$75,878.00 out of Water & Sewer Consolidated Construction Fund; \$45,100.00 out of Solid Waste Consolidated Construction Fund; \$244,644.00 out of Public Health Consolidated Construction Fund; and \$331,245.00 out of General Improvements

Consolidated Construction Fund; and approving and authorizing Project Management Services Contract between the City of Houston and **JACOBS FACILITIES, INC**, GFS D-0107-02-5, H-0066-02-5, L-0060-02-5, R-0542-02-5, C-0018-02-5, E-0143-02-5, F-504D-02-5 and G-0098-02-5 - \$53,768.00 Enterprise Fund – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0390 ADOPTED.

37. ORDINANCE approving and authorizing Professional Engineering Services Contract between the City of Houston and **OMEGA ENGINEERS, INC** for Negotiated Storm Drainage System Work Orders, GFS M-0126-S4-2 (SM5051); providing a maximum contract amount; providing funding for contingencies relating to construction of facilities financed by the Storm Water Fund \$330,000.00 Storm Water Fund – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0391 ADOPTED.
38. ORDINANCE appropriating \$583,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CLAUNCH & MILLER, INC** for Design of Neighborhood Street Reconstruction Project; GFS N-0378-01-2 (SB9209); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – was presented.

Council Member Goldberg stated that he wanted to thank Mayor White and Public Works for the neighborhood street reconstruction, that it was long over due and was several years delayed, but it would be nice for the district Council Members if they had an idea when it would be coming up on the agenda, that Public Works never contacted him to let him know that finally the item, which had been in the CIP for several years, was going to be on, that on the other hand it would go a long way in explaining why it took so long from when the bids were unsealed and open and they had the winner, to the time it took to get on the agenda, which sometimes could be six or eight weeks, that he did not understand why it was so long and requested that someone from Public Works visit with him and fill him in.

Mayor White stated that not only would Council Member Goldberg get that information but at a Tuesday Senior Staff meeting he would like to map out what happened in this case, and asked Ms. Stein to make it an item on the Tuesday Senior Staff meeting.

Council Member Lawrence stated that along the same line she had probably the same situation, it was a Metro road which dated back about eight years and it was supposed to be built then and it was still in the hopper, they had now gotten revisions of a design out but trying to coordinate that construction, which was very important on Gessner to Hempstead, why it took so long had to be looked at, that policy, and as things came forward and were supposed to happen, whether it was Metro or not, because it was City participation also, they needed to know what was going on and why.

Mayor White asked if the project was on the CIIP and Council Member Lawrence stated yes, that she did not know how long, but it went from Clay to Hempstead, that it was not a coordinated effort to move things forward, and Mayor White stated that he had been listening to what Council Member Lawrence stated but asked if she could email him and it would help him as a reminder to follow up on that particular project. Council Member Berry absent.

A vote was called on Item No. 38. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Berry absent. ORDINANCE 2005-0392 ADOPTED.

39. ORDINANCE appropriating \$649,275.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CHIANG, PATEL & YERBY, INC** for Design of Reconstruction of

Hirsch Rd. from Kelley St. to East Crosstimbers Blvd., GFS N-0617-01-2 (SB9197); and Reconstruction of Parker Rd. from Airline Dr. to Hardy Toll Rd., GFS N-0620-01-2 (SB9198); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and H – GARCIA** – was presented. Council Member Berry absent.

Council Member Galloway stated that she was excited about the project and the reconstruction of Hirsh Road, that she was happy it was here at last, that they were keeping on track with their CIP funding and not delaying it, that she had put it back on the CIP when she came to Council because it had been on the CIP twelve years ago and it was removed. Council Member Berry absent.

Council Member Garcia stated that he too wanted to thank the administration for putting the item on the agenda, that he was out at the Hawthorne Civic Association last night and there was a lot of work currently underway out there and this particular project, along with the Little York Project, were items that the community had been struggling to get on the agenda and get moving forward, that he wanted to convey, on behalf of the neighborhood, their thanks for the administration moving forward on it.

A vote was called on Item No. 39. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0393 ADOPTED.

40. ORDINANCE appropriating \$721,384.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, INC** for Design of Hillcroft Reconstruction from Southwest Freeway (US59) to Bellaire Blvd., GFS N-0716-01-2 (SB9201); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT F – KHAN** – was presented.

Council Member Goldberg stated that Item No. 40 was asking for funding of \$721,384.00 and he looked in the CIP and the amount allocated in the CIP was only \$600,000, that he would tag the item until they could get a resolution of where the extra money was coming from, that the second point was that they were doing the design and then acquisition and he would like to be briefed on why they were designing something that they did not have the property yet, that on the acquisition the funding was next year for \$50,000 that he would like to get an explanation of what that was, and Mayor White stated that they would get that information for Council Member Goldberg.

42. ORDINANCE appropriating \$849,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BINKLEY & BARFIELD, INC** for Design of Northgate, Tidwell Timbers, MUD #203 and Willow Run Wastewater Treatment Plants Renewal/Replacement, GFS R-0265-36-2 (WW4882); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B – GALLOWAY** – was presented.

Council Member Garcia stated that he wanted to thank Mayor White for putting the item on the agenda, that they had worked with Ms. Sara Culbreth last year on the project.

A vote was called on Item No. 42. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0394 ADOPTED.

43. ORDINANCE appropriating \$2,080,000.00 out of Fire Consolidated Construction Fund, awarding construction contract to **FROST CONSTRUCTORS, INC** for Construction of Val Jahnke Fire Training Academy Burn Building and Drill Tower Renovation, GFS C-0068-04-

3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering and testing services, Civic Art Program, construction management and contingencies relating to the construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT E – WISEMAN** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0395 ADOPTED.

44. ORDINANCE awarding construction contract to **C. E. BARKER, LTD.**, by S. F. Barker Management, LLC for Construction of Water, Sanitary Sewer and Storm Drainage Systems to serve the Village at Glen Iris Subdivision, CIP S-0800-D7-03 and R-0800-D7-03 (DPC-070); approving and authorizing assignment of the construction contract to **HOUSTON HABITAT FOR HUMANITY, INC**; 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 - **DISTRICT D - EDWARDS** All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Member Alvarado absent. ORDINANCE 2005-0396 ADOPTED.
47. ORDINANCE appropriating \$5,240,700.00 out of Street & Bridge Consolidated Construction Fund (Number N-0663-RE-1) and approving and authorizing purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for appraisal fees, Title Policies/Services, Recording Fees, Court costs and Expert Witness Fees, for and in connection with, and finding a public necessity for the Capital Improvement Projects identified in the body of this ordinance. – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0397 ADOPTED.

NON CONSENT AGENDA - NUMBERS 48 through 50

MISCELLANEOUS

48. REVIEW of the record and make determination of the appeal filed by Bertha Vargas on behalf of Evangelina Galvan on the decision of the General Appeals Board for denial of a Manufactured Home Hardship Permit at 10603 Chickadee Lane, Houston, Texas - **DISTRICT E – WISEMAN** – was presented.

Council Member Wiseman moved to uphold the decision of the General Appeals Board and deny the appeal, seconded by Council Member Berry.

After discussion by Council Members, Council Member Khan tagged the motion to uphold the decision of the General Appeals Board. Council Member Goldberg absent.

PROPERTY

49. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Bob Collins of Andrews Kurth LLP, on behalf of Core Freeway Tech Center, Ltd. [Core Associates Six LLC (Richard K. Pipkin, Managing Director), General Partner], for abandonment and sale of Barker Springs Road, from South Creek Drive west to its terminus, and a 10-foot-wide utility easement in exchange for the conveyance to the City of a 10- to 15-foot wide water line easement, all located in Park 10, Section 2 and/or Freeway Tech Center, Parcels SY2-017A, SY2-017B and KY2-067 **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT A – LAWRENCE** – was presented.

Council Member Lawrence named Mr. John Chamblis and Ms. Sheila Stewart as appraisers and Mr. Gary Meyers as alternate appraiser and moved approval of the

recommendation, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards absent due to being ill. MOTION 2005-0361 ADOPTED.

50. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tim S. Henschel of Weisser Engineering Co., on behalf of Our Savior Lutheran Church and School (Dr. Laurence L. White, Pastor), for abandonment and sale of a portion of Bolivia Street, from ±485 feet south of De Soto Street to West Tidwell Road, in exchange for the conveyance to the City of a full-width utility easement, located in the Ellis Benson Survey, A-110, Parcels SY5-045 and VY5-009 **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT B – GALLOWAY** – was presented.

Council Member Galloway named Mr. George Wyche Sr. and Mr. Travis Cooper as appraisers and Ms. Jasmine Quinerly as alternate appraiser and moved approval of the recommendation, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to being ill. MOTION 2005-0362 ADOPTED.

MATTERS HELD - NUMBERS 51 through 54

51. ORDINANCE appropriating \$54,766.50 out of Street & Bridge Consolidated Construction Fund No. 437, and approving and authorizing the execution of a Compromise and Settlement Agreement to settle a claim by **AUSTIN FILTER SYSTEMS, INC – (These were Items 2 on Agenda of April 13, 2005, TAGGED BY COUNCIL MEMBERS QUAN, GALLOWAY and KHAN)** – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0398 ADOPTED.
- 51a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,185,005.81 and acceptance of work on contract with **AUSTIN FILTER SYSTEMS, INC** for Construction of Buffalo Bayou Trail North of Buffalo Bayou, GFS N-0420-28-3 18.59% over the original contract amount - **DISTRICT I – ALVARADO – (These were Items 2A on Agenda of April 13, 2005, TAGGED BY COUNCIL MEMBERS KHAN, QUAN and GALLOWAY)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent due to being ill. MOTION 2005-0363 ADOPTED.
52. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,334,085.80 and acceptance of work on contract with **TROY CONSTRUCTION, INC** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-P1-3 (4235-15) - 00.62% under the original contract amount – (This was Item 3 on Agenda of April 13, 2005, TAGGED BY COUNCIL MEMBER GALLOWAY) – was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. MOTION 2005-0364 ADOPTED.
53. ORDINANCE approving and authorizing option agreement for Purchase of Real Property at Ellington Field by and between the City of Houston, Texas and the Board of Regents of the **UNIVERSITY OF TEXAS SYSTEM - DISTRICT E - WISEMAN - (This was Item 12 on Agenda of April 13, 2005, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented.

Council Member Goldberg stated that on the lease which was actually a lease purchase the only problem he had with it was that their Charter was real specific on when they leased or sold land and it said it had to be, for example by a vote of two thirds, not just a simple majority and it also said that they must appoint two qualified appraisers, which they did on this item but the problem was that the appraisals were over a year old, that he thought six months was the standard that he knew their real estate section liked to go with Public Works, he thought that at

the very least the Aviation Department could have done was gone back to the appraisers that did it and ask if they could re-certify it, that they might have come up with the same values anyway, but it was not a good precedent to say they were going by old or stale appraisers, especially when they were talking about the sale of property that was over \$1 million.

Mayor White stated that he agreed with Council Member Goldberg and did not know what the circumstances were, that it was a very good point about stale appraisals, and Mr. Hall stated that he certainly agreed with Council Member Goldberg and would add that it was a fairly unusual and complicated transaction because the total transaction involved three parties and as he understood it some rather protracted transactions took place to exchange some military land, so he thought maybe that delayed the processing of all of it to get all of the parties lined up to get the transaction done because independently they would not have wanted to exercise this transaction.

Council Member Wiseman stated that she understood her colleagues concerns but as suggested by Mr. Hall it was a project that began over a year ago and that was why the appraisal was of the age it was and as was explained it involved multiple government agencies which as they all knew government did take a little bit longer in real estate transactions given all they had to deal with, that it was a very important item and was the solution they had been looking for in relocating the reserve units over at OST to Ellington Field to strengthen the benefit that Ellington Field provided to the region, that she appreciated the administrations work on the project, that she would request her colleagues support on the item. Council Member Quan absent.

Council Member Sekula-Gibbs stated that she wanted to reiterate and underscore what Council Member Wiseman stated on the item, that she and Council Member Wiseman had been working on the project for a number of years, that she lived near Ellington Field and watched some of the activities going on and some of them may know that the 147th International Guard was being scrutinized for possible elimination or relocation to another area, that it was all part of an attempt to strengthen what was going on at Ellington Field, if they could arrange to have the Army, Navy and Marine Corp. Reserves moved to Ellington Field the cost paled in comparison to whatever terrorist attack would happen to the City, that they needed to act because it was a vital security interest for the City. Council Members Garcia and Berry absent.

After further discussion a vote was called on Item No. 53. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0399 ADOPTED.

54. ORDINANCE appropriating \$64,251.12 out of Series E Commercial Paper Metro Project Fund and approving and authorizing an amendment to increase the amount of contingency and approval of Change Order No. 3 on Construction Contract No. C55873 between the City of Houston and **TJ&T ENTERPRISES, INC** for Kingwood Drive Paving from Willow Terrace Drive to Hidden Lakes Drive (GFS N-0644G-01-3) - **DISTRICT E - WISEMAN** - (**This was Item 18 on Agenda of April 13, 2005, TAGGED BY COUNCIL MEMBER QUAN**) - was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0400 ADOPTED.

Council Member Wiseman stated that she would release her tag on Item No. 30.

30. ORDINANCE approving and authorizing an agreement between the City of Houston and **HERMANN PARK CONSERVANCY (HPC)** for the Hermann Park Greenway Project - **DISTRICT D - EDWARDS** - was again before Council. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0401 ADOPTED.

Council Member Ellis stated that she would release her tag on Item No. 31.

31. ORDINANCE approving and authorizing a contract between the City and **HOUSTON**

DOWNTOWN MANAGEMENT DISTRICT to provide federal funds for a Feasibility Study for an Intermodal Bus Facility \$150,000.00 - Grant Fund - **DISTRICTS H - GARCIA and I - ALVARADO** – was again before Council. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0402 ADOPTED.

Item received during the meeting

35. ORDINANCE approving and authorizing amendments to the 44 contracts for engineering and testing services for (1) Public Works & Engineering and (2) the Houston Airport System (passed by Ordinance No 2002-293) with **ASSOCIATED TESTING LABORATORIES, INC, ATSER, L.P., AVILES ENGINEERING CORPORATION, BANDY AND ASSOCIATES, INC, COASTAL TESTING LABORATORIES, INC, DAE AND ASSOCIATES, LTD., EARTH ENGINEERING, INC, FUGRO CONSULTANTS, L.P. GEOSCIENCE ENGINEERING AND TESTING, INC, GEOTEST ENGINEERING, INC, GROUND TECHNOLOGY, INC, HBC ENGINEERING, HERCULES ENGINEERING AND TESTING SERVICES, INC., HTS, INC, HVJ ASSOCIATES, INC, PARADIGM CONSULTANTS, INC, PROFESSIONAL SERVICE INDUSTRIES, INC, QC LABORATORIES, INC, RABA-KISTNER CONSULTANTS, INC, STORK SOUTHWESTERN LABORATORIES, INC, TERRA-MAR, INC, TOLUNAY-WONG ENGINEERS, INC.**, for an additional year with two optional yearly renewals and to identify City Holidays - was presented. All voting aye. Nays none. Council Member Edwards absent due to being ill. ORDINANCE 2005-0403 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Wiseman stated that she wanted to give thanks to a Public Works employee, Mr. Richard Perez, that while engaged in some work in her district at I-10 and Uvalde he accidentally ran over a Sago Palm in the esplanade, and went above and beyond an apology Mr. Perez, on his own, went out and picked up a Sago Palm and planted it in the location to replace what he had accidentally run over, that she wanted him to know that the community was very appreciative of that. Council Members Goldberg and Khan.

Council Member Wiseman stated that she wanted to visit with the City Attorney's office on the report they received on the proceedings on Proposition 2 and the Appellate Court's decision which ruled in favor of the plaintiffs, that she wanted further discussion as to how the administration would go about implementing Proposition 2, and Mayor White stated that they would post the item on Friday and the administration agreed with the statement by the Court of Appeals which was that the ruling had no impact on the effectiveness of Proposition 2, and Council Member Wiseman stated that she would like to visit with the City Attorney because she had some additional questions. Council Member Goldberg absent.

Council Member Galloway stated that wanted to compliment all of the directors who attended the townhall meeting last Thursday along with Chief Hurtt who gave good information to the constituents in the Acres Homes Community. Council Members Goldberg, Khan and Berry absent.

Council Member Galloway stated that there was a rumor going around that there was a developer coming in and take all of the peoples property in the Acres Homes Community and she wanted to dispel the rumor, that no one could just come in and take a persons property for a developer to develop it. Council Members Goldberg, Khan and Berry absent.

Council Member Galloway stated that she was excited about the report she got, that it was finally proof what she had been stating all along about flooding in District B, that it was the Harris County Flood Control Pre Disaster Mitigation, that it showed in District B they had repeated loss of properties from flooding and they had the highest total of any Council district, and that was the reason they really needed to start working on a plan to improve the drainage in

some of the neighborhoods in District B so they would not continue to have loss of homes in District B, that she hoped they would look into it, that she wanted them to look at some type of funding to improve drainage in the Northwood Manor area because it really needed it. Council Members Goldberg, Wiseman, Holm and Berry absent.

Council Member Green stated that he wanted to thank Senator Rodney Ellis, Representative Dwayne Bohac, Mr. Jim Moriarity, Mr. Ray Grant, TXDOT, HPD Officer Pat Abercia and District A aide Mr. Darren Hall who on Monday testified before the House Judiciary Committee regarding a Curbstoning Bill that he and Council Member Lawrence had been working on, that it was a process where vendors set up little small car lots and sell cars to people on Monday and pack up and move on Tuesday so if something happens with the car they could not find them or track them down, that as a result many of the individuals who purchased these vehicles could not get the title on the car, that they ended up being not mechanically road worthy, that it caused blight in the neighborhood, that the Bill looked like it would go to the Senate Intergovernmental Relations Committee in a few weeks and that would be some good positive legislation that would come from the City of Houston. Council Member Goldberg, Wiseman, Holm and Berry absent.

Council Member Green stated that they should have received a copy of an ordinance that he was working on, that it was a mini bike ordinance, that he wanted to thank the Legal Department and Mr. Michel's able-bodied staff, that he had gotten a lot of complaints with the little bikes called pocket bikes, that they were small motorcycles about 18 inches off of the ground and people rode them pretty much unregulated, that there had been a lot of accidents with those mini bikes and he thought they needed to do something to strengthen the City's ordinance as it related to riding them on the public streets, that he would drop by each Council Members office to touch base with them, but they would also be discussing it tomorrow at the Municipal Courts Task Force Committee and he would ask for their support on the ordinance. Council Members Wiseman, Holm and Berry absent.

Council Member Green stated that last week he, along with several members of the National Forum of Black Public Administrators, went to Richmond, Virginia, for the national conference, and Mr. Anthony Hall, CAO, Mayor's Office, was installed on the national board, that one of the reason that he went to the national conference was to assist them in the effort to get the 2008 National Convention in Houston, Texas. Council Members Wiseman, Holm, Quan and Berry absent.

Council Member Goldberg stated that he would release his tag on Item No. 26, that he had tagged it because he thought the consensus was that it was a very poorly written Interlocal government agreement, that he was told the attorney who wrote that agreement was no longer with the City and that they were going to be drafting a new contract, that they were approving a payment on an old contract. Council Members Wiseman, Holm and Berry absent.

26. ORDINANCE amending Ordinance No. 2000-34 to ratify prior year payments made to support the **JOINT CITY-COUNTY COMMISSION ON CHILDREN**; providing a maximum contract amount \$91,316.00 - General Fund - was again before Council. All voting aye. Nays none. Council Member Edwards absent due to being ill. Council Members Holm and Berry absent. ORDINANCE 2005-0404 ADOPTED.

Mayor White stated that this was a perfect example of City and County cooperation, that with Sheria McKenzie they did not get better bang for their buck than Ms. McKenzie in the City or County government. Council Members Holm and Berry absent.

Council Member Garcia stated that he wanted to echo his remarks on Ms. Mckenzie, that she was always doing a tremendous amount of work and her staff was well representing both the City and the County. Council Members Holm and Berry absent.

Council Member Lawrence stated that she wanted to recognize the employees and engineers working out at the Northeast Water Plant, that subsidence had been a problem in her District, that she went out and had a tour of the plant, there were a lot of problems due to the level they addressed about a year ago, the level of water in Lake Houston, that Montgomery Watson had addressed those problems and they were going to have a state of the art due to the new technology at the water plant, some of the water coming through there the grade of it was the best in the Nation as far as the water quality with the new UV system set in, very high technology and for its size the only plant in the United States that brought that to northwest Houston, and she wanted to recognize the people who took the time to go through the process with her and making that happen, Trend Slovak, Doug Garner, Mike Sullivan, Jeff Taylor, Daniel Villetech, Bruce Kado and Yang Wang. Council Members Holm and Berry absent.

Council Member Lawrence stated that Spring Branch Independent School District Board Members, Director Turner and herself were trying to enter into an agreement with parkland and trying to add 20 acres to Agnes Moffit, a long term lease, providing some of the junior highs with soccer fields in return for the City developing the 20 acres, that she was happy it was moving forward with design and hopefully a long term agreement signed. Council Members Holm and Berry absent.

Council Member Lawrence stated that two weeks ago the women's soccer team in Kingwood won the regional championship, that Coca-Cola put on a huge tournament at Cullen Park and they would now be going to Los Angeles for the United States Championship. Council Members Holm and Berry absent.

Council Member Lawrence stated that she was glad her staff was recognized, especially Darren Hall, that she had him go through State training on curbstoning because she knew it was a huge issue in her district, that he went to Austin to testify, that it was great cooperation with Legal, the judges and HPD officers to improve their neighborhoods. Council Members Holm and Berry absent.

Council Member Garcia stated that there would be a candle light vigil this evening commemorating the Police Memorial Week, that it would be at the Police Memorial at 7:00 p.m., that he would encourage his colleagues to be there and help pay respects to the officers who had given their lives in the line of duty, that he went to 1200 Travis and looked at the big badge plaque in the lobby that had all the names of the officers who had died in the line of duty, that in his career there were 14 officers who had given their lives. Council Members Galloway, Holm and Berry absent.

Council Member Garcia stated that on Saturday he would be hosting the Northside Health Care Partnership Community meeting at Jeff Davis High School, that he wanted to thank the Health Department for their work on the project. Council Members Galloway, Goldberg, Holm and Berry absent.

Council Member Garcia stated that he understood that in District B Little York had their street reconstruction project going, that he wanted to make sure that Public Works meet with him to discuss the status of Little York in District H because it was also part of the Hawthorne Community, that he wanted to make sure the project continued to stay on track. Council Members Galloway, Goldberg, Holm and Berry absent.

Council Member Garcia stated that Tuesday they had a hearing on an infamous cantina in the District, Rincon Bohemio, that it was an appeal to a successful initial hearing they had, that the appeal started the process all over again, that the judge did uphold the courts initial position and shut the place down and had refused to grant it another license, that he wanted to thank the Legal Department for their support in the important endeavor. Council Members Galloway, Goldberg and Holm absent.

Council Member Garcia stated that at the last Fiscal Affairs Committee meeting there was an item that was \$30 million for the Fire Department, that he was curious and knew they were still in negotiations with the Fire union so his question was how many extensions were they in, where were they in the process, was the \$31 million the negotiation or pay raise. Council Members Galloway, Goldberg and Holm absent.

Mayor White stated that because they were dealing with matters under negotiation it was a very important issue, that first, the matter was still under negotiation but as Council Member Garcia looked at the planning scenario because the revenues did not match the expenses and they would balance the budget, that second, he did not think there was widespread knowledge among the fire and EMS personnel of the money that they had put on the table, that he respected the union leadership but thought there was a communication issue, they had offered more money for a pay increase than had ever been offered, that there was a need for decisiveness, that he respected the union a lot but if the union was unable to get a pay raise for its members then he would, that it was a silly deal where somebody offered something that met somebody's criteria and then they thought they had to escalate the offer, that as much as he liked somebody, they could be his best friend in life, but if somebody did that they were negotiating with the wrong person with him, that he tended to get to the bottom line, that it was not a sign of weakness, that the Council was going to have to make some decisions concerning the budget, that if they did not pin the firefighter contract down then firefighters would get a pay increase, because it was not right not to, but it would not be because of the union. Council Members Galloway and Berry absent.

Council Member Lawrence stated that the City of Houston was about to go into the water business and selling water and she displayed one of the first bottles off of the northeast water plant process, that she hoped Chris Bell was listening because his dream was about to come true. Council Members Galloway and Holm absent.

Council Member Alvarado stated that she wanted to remind her colleagues that tomorrow they were having a special citywide townhall meeting rail issues, that it was going to be a very important meeting, they had representatives coming from the FRA and other agencies and was at the George R. Brown at 6:30 p.m. on Thursday, April 21, 2005. Council Members Galloway, Holm and Green absent.

Council Member Alvarado stated that she wanted to welcome back the International Festival to downtown Houston, that she wanted to thank Ms. Susan Christian, Mr. Richard Lapin and others in the administration that worked and pushed for a fair deal for the City. Council Members Galloway, Wiseman, Holm and Green absent.

Council Member Sekula-Gibbs stated that on Saturday Johnson Space Center would be hosting an open house, that it would be from 9:00 a.m. to 5:00 p.m. and entry was free. Council Members Lawrence, Galloway, Wiseman, Holm, Green and Berry absent.

Council Member Sekula-Gibbs stated that on Monday they would have a Healthy Houston Foundation Golf Tournament at Hermann Park and she would like to thank the sponsors. Council Members Lawrence, Galloway, Wiseman, Holm, Green and Berry absent.

Council Member Sekula-Gibbs stated that she recently met some returning veterans from Iraq, that they presented her with a gift, a medal from the Louisiana Brigade, the Tigers, that she wanted to say thank you to the Louisiana Tigers and all of the people who had boots on the ground in various places in the world and fighting for American freedom, that they thanked them for their service. Council Members Lawrence, Galloway, Holm, Green and Berry absent.

Mayor White stated that there was a matter that they did on Municipal Channel and they had people present from both the Fire Department and were at a sensitive point in negotiations, that he wanted to make a point because they did not know how much he and others around the

table respected firefighters, Fire and EMS personnel who worked for them everyday, that he always found people to be reasonable, passionate, which they wanted in public servants, that he wanted them to bear with him for what he was going to say, that he made a statement, that he had talked to a number of firefighters who were unaware of the fact that in the new proposals the City had put forward the percentage increase in personnel cost, in personnel payments by the Fire Department, would be equivalent to that for the Police Department for the period of 2001 to 2009, that Police had a reduction in number of Police and they had a reduction number of Fire, but those were all variables, so this was something in particular that he was mentioning and that the Police were well aware of in their negotiations, they could not have it both ways in headcount and pay within certain budget limitations, that was a very powerful fact that he just described because there were, as they all knew, people who were comparing and saying how come the Police got that and how come we got that, that he was a bottom line guy and did not think any administration or union leadership was right to play off one versus another, but they happened to be just on top of each other and that was not a fact that was well known under what they proposed, that was what he was referring to. Council Members Lawrence, Galloway, Holm and Green.

Council Member Garcia stated that part of his question came from the fact that he was a union member for many years, and remembered hearing years back and in previous administrations the unwillingness on both sides, union as well as administration, on certain negotiation points, that he was encouraged by the Mayor's comments but also wanted to make sure the union officials were understanding it as well and that everyone would make the best decision for taxpayers, but for membership as well. Council Members Lawrence, Galloway, Holm and Green.

Mayor White stated that the elected leadership of the union had been excellent and effective, but somehow they were getting near the end of the budget cycle and he never wanted to be the person who drew the line in the sand, he wanted to listen and have dialog and not appear to dictate terms and have people who could claim victories in a negotiation, that they had gotten toward the end of their line and it was surprising to him that some firefighters did not know that the percentage increase in total personnel costs, under their proposal for an extended period of time would be the equivalent to police. Council Members Lawrence, Galloway, Holm and Green.

Council Member Khan stated that he also wanted to welcome the International Festival to downtown, that this year they were celebrating the Country of India and it was a matter of great pride for him personally. Mayor White and Council Members Lawrence, Galloway, Holm, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that last week he informed them about Cricket coming to Houston and to let them know all over the world they were promoting Houston as the venue for Cricket in America, that it would be June 16 through 19, 2005. Mayor White and Council Members Lawrence, Galloway, Holm, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that he wanted to thank the Houston Airport System personnel, especially Mr. Gary James, Ms. Joanne Rothmeyer and Ms. Tina Kapi, that this last weekend they had VIP guests from India coming to Houston and they were very helpful in not only facilitating his arrival but to receiving him at the airport and they appreciated all their efforts. Mayor White and Council Members Lawrence, Galloway, Holm, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that on Monday, April 25, 2005, they would have a townhall meeting on itinerent vendors, that they had a flyer being distributed and was sure it would be very fruitful. Mayor White and Council Members Lawrence, Galloway, Holm, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that crime was a major problem all over and prostitution was a major concern of theirs, that there was a church called San Felipe Lutheran Pre School, which had a tremendous prostitution problem, that he wanted to thank Council Member Goldberg's staff member, Ms. Nicki Cooper, who had been working on the issue for the past year, that it was a big problem and they had sent an email that during the daylight hours they saw prostitution activities going on, so they hoped that HPD would take some serious action towards that. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that some of their constituents were concerned about lack of attention as far as zero tolerance policy and wanted to see if the proper attention was given to District F as it came to garbage pickup. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that they would be welcoming Ms. Ernestine Waddle to her new home that was being rebuilt in the Acres Home area on Friday at 4:00 p.m., that as they knew Ms. Waddle's home had been destroyed by flood waters and they had worked hard with HUD to get that done. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that yesterday it was mentioned that the Consolidated Plan, which would direct \$65 million of federal funds would have its final meeting on Thursday, April 28, 2005 at Council Annex Chambers at 7:00 p.m. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that this weekend was the Shell Houston Open at Redstone Golf Course. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that on Saturday night the Houston International University would be honoring Mr. Lionnel Castillo for his years of service to the City, that Mr. Castillo was the first Hispanic elected At Large in the City of Houston. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to wish everyone a Happy Passover. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Berry stated that as to Council Member Khan's flyer for the townhall meeting, he paid for it out of his own pocket. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Berry stated that tomorrow night, Thursday, April 21, 2005, from 6:30 p.m. to 8:00 p.m., Mayor White, Council Member Alvarado, Council Member Galloway and himself would be hosting a townhall meeting regarding railroad tracks in their community. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Berry stated that there was a nice article in the Urban Transportation Monitor, current issue, talking about their SafeClear Program, that it talked about it being a cutting edge program and that it was a very good program, that US News and World Report,

two weeks ago, talked about the SafeClear Program and the City of Houston and said that the City of Houston and Tokyo were the two cutting edge cities with regard to transportation management in the world, that it talked about Mayor Daily admitting openly that he was beginning to copy what they were doing in Houston with regard to what they were doing in Houston with regard to incident management and transportation management and it turned out to be true, that he got a call from Mr. Malik, who was head of transportation planning for the City of Chicago and said they wanted to do what was being done in Houston. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Quan, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Berry stated that he wanted to thank Ms. Shiela Blake, who sat down with a constituent for over an hour to get a very complicated and cumbersome issue resolved to make sure the constituent complied with City ordinances and codes so the project could still move forward. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Quan, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Berry stated that Ms. Sara Culbreth originally questioned the Bay Area Transportation Partnership, a \$15,000 expenditure and asked some questions and had a meeting with regard about what the money was for and it turned out it was a perfectly reasonable expense for the City of Houston to undertake, that it was a great example of City government working right and making sure it was not a wasteful expenditure. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Quan, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Berry stated that he wanted to commend the new Special Ops Captain, Ms. Mary Lynchkie, that they got an email and a couple of calls saying that the Houston Police Department was going to be enforcing the Jaywalking Ordinance. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Quan, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Ellis stated that he also wanted to welcome the International Festival to downtown. Mayor White and Council Members Lawrence, Galloway, Holm, Garcia, Quan, Sekula-Gibbs and Green. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Ellis stated that he wanted to talk about an issue that dealt with management districts in the Houston area, that while he was not opposed to all management districts there were a few that he did not understand why they would create another level of bureaucracy when he did not feel it was necessary, that in particular the South Hampton Management District, that one of the main reasons they wanted the management district was because they were not satisfied with the way the City had proposed to overlay their alleyways, they wanted complete concrete reconstruction of the alleyways, that it was cost prohibited and the City said they were not going to do that, so they decided they would go to the State Legislature and create a management district for the subdivision and access their homeowners somewhere between eight and ten cents per year, that it was a residential management district; why could the City of Houston not just access them the amount that it would cost to do the reconstruction for their alleyways the way they wanted them done, that the amount of money that they would spend in issuing the debt would be far greater than the amount of money that the City would spend in issuing the debt and it was something that might spin off and they might be able to utilize it in other areas of the City, that while he was not opposed to all management districts he was opposed to the ones that went into the homeowners association, that he would say something that a lot of them had talked about, he did not think a Tax Incremental Reinvestment Zone was bad in theory, that he thought it had been abused in their region and as they looked for ways to create cost savings in the TIRZs he thought they needed to do the same thing with the management districts, so he thought there was room for the City to be involved with what the State Legislature was going to do with the management districts and thought there were alternatives out there that had not been looked at and understood that the South Hampton

had some powerbrokers who were pushing forward on the matter but believed if they could figure out a way to do it where it was less expensive and did not create another level of bureaucracy that they needed to address the issue and needed to look at it. Council Members Lawrence, Galloway, Holm, Garcia and Green.

Mayor White stated that he agreed with everything that Council Member Ellis stated, that he would like to see the money going into the projects in the neighborhoods and not the consultants and overhead expenses. Council Members Lawrence, Galloway, Holm, Garcia, Green and Berry absent.

Council Member Ellis stated that regarding an email that Mayor White sent to Mr. Michel and copied him with regard to having somebody in the Legal Department draft an ordinance which would mandate Council's committee on pension oversight he wanted to thank him for taking that initiative but he also wanted to make sure it was drafted in a way that was open ended so that the Pension Review Committee could talk to them and make changes and so forth, and Mayor White stated that what he intended to say was that on behalf of the administration Council Member Ellis would tell them what to draft, that he embraced them helping them get started, and Mayor White stated that when Council Member Ellis was satisfied they would post it. Council Members Lawrence, Galloway, Holm, Garcia, Green and Berry absent.

Council Member Ellis stated that they would have another Pension Review Committee meeting on May 2, 2005 at 2:00 p.m. where they would address that issue and other issues as well. Council Members Lawrence, Galloway, Holm, Garcia, Green and Berry absent.

Council Member Ellis stated that tomorrow, April 21, 2005 was San Jacinto Day. Council Members Lawrence, Galloway, Holm, Garcia, Green and Berry absent.

Council Member Goldberg stated that as to the management districts, the South Hampton would be the first one, ever created in the State of Texas, that made the assessment to only residents and not businesses, where all the rest of them were vice versa, that they had a very good reason and one of them were the alleyways, the last reconstruction on the alleyways was in 1920, that in theory Council Member Ellis's idea was great, why did they not make assessments on the property, that in fact they did do that before, every time there was a street reconstruction they would assess all of the property owners, there was only one problem with that, some would pay and some would not pay, and then all of a sudden the City was in a position of collecting on those liens, and he thought the decision was made in the Lanier administration, they did not collect on the liens, so basically if they did the assessments they would do the project and hope the assessments came in and then not collect on the assessments, as they had been doing, and now all of the taxpayers were having to pay for it, when this management district did was only the people who got the benefit paid for it, not the whole City, like they had it now, that the issue was ripe to come up, unless they could come up with a better plan he thought the management district was maybe the only way they could do it. Council Members Lawrence, Galloway, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

There being no further business before Council, the City Council adjourned at 11:15 a.m. Council Members Lawrence, Galloway, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary

