

City Council Chamber, City Hall, Tuesday, April 26, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 26, 2005, Mayor Bill White presiding and with Council Members Carol M. Galloway, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; 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 Toni Lawrence absent on city business. Council Member Mark Goldberg out of the city on city business.

At 1:57 p.m. Mayor White stated that Council Member Alvarado would begin the presentations; and Council Member Alvarado stated that she was doing a presentation for Council Member Goldberg today and invited those present for Landscape Architecture Month to the podium and presented them a Certificate. Council Members Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Galloway invited Coach Jackie Benard Carr to the podium and stated that Coach Carr was dedicated and committed to young people; that he was a positive role model and inspiration to the community; and presented him a Proclamation commending him and proclaimed April 26, 2005, as "Coach Jackie Benard Carr Day" in Houston, Texas. Coach Carr invited his wife, daughter and class mates to the podium. Council Members Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Mayor White stated that he had a special presentation and invited Ms. Gloria Bingham to the podium. Mayor White stated that many were working at 311 and the system was at the cutting edge and many came from other cities to view it; and invited Ms. Bingham to go over the accomplishments at 311; and Ms. Bingham stated that many accomplishments had been made at 311, they received about 1,000,000 Municipal Courts calls annually and they were answering call loads in under 30 seconds, usually between 10 and 12 seconds; that they responded to all E-mails and Fax's within 24 hours; that employees were rewarded for their extra efforts; and invited them to the podium to be recognized. Council Members Holm, Sekula-Gibbs and Berry absent.

Council Members congratulated the staff; commended their work and stated that they were a model for other cities to follow; and MS. Bingham stated that many cities form all over sent people to view the 311 system. Council Members Holm, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that as a point of personal privilege he would like to say that this week was immunization week and invited Ms. Jones and Ms. Robinson to the podium. Council Member Garcia stated that unfortunately Houston held the distinction of lowest in the nation immunization rate for 19 to 35 month old children and the Health Department was working with others against that and in conjunction with immunization week he wanted to recognized them for their important work; and presented them a Proclamation proclaiming this week as "Infant Immunization Week" in Houston, Texas. Council Members Edwards, Holm, Sekula-Gibbs and Berry absent.

At 2:21 p.m. Mayor White called the meeting to order and called on Council Member Khan who invited the president of the Islamic Society of Greater Houston Brother Sali to lead in the prayer and Council Member Khan led all in the pledge. Council Members Holm and Sekula-Gibbs absent.

At 2:24 p.m. the City Secretary called the roll. Council Member Lawrence absent on city business. Council Member Goldberg out of the city on city business. Council Members Holm and Sekula-Gibbs absent.

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

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Ms. Christine Coronado, Ms. Mary Wise and Mr. Frank Partida out of order, seconded by Council Member Berry. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Goldberg out of the city on city business. Council Members Holm and Sekula-Gibbs absent. MOTION 2005-0365 ADOPTED.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Ms. Sandra Lopez and Mr. Alfonso Pico out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Goldberg out of the city on city business. Council Member Sekula-Gibbs absent. MOTION 2005-0366 ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Mr. Jerry Brady and Mr. Rudy Bruhns out of order, seconded by Council Member Holm. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Goldberg out of the city on city business. Council Member Sekula-Gibbs absent. MOTION 2005-0366-A ADOPTED.

Ms. Christine Coronado, 6668 Lawndale #2, Houston, Texas 77023 (713-446-8891) appeared and stated that five years ago her parents applied for the City of Houston's Home Repair Program and in 2002 the city relocated them to an apartment so repairs could begin, but they were unable to obtain information as to when repairs would resume and she was trying to have her mother relocated because of what went on in the apartments including someone being raped the other day; that her father had now passed away and her mother was staying with her because she would not return to the apartment; and urged the City to help. Council Members Galloway, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that he would guarantee that problem would be solved today; and upon questions, Ms. Coronado stated that her mother was relocated in 2002 and had been out of her home 24 months with the City paying \$15,000.00; that the house had gradually deteriorated and after storm Allison some caved in; that there was partial demolition and the walls were there, but floors were gone; that the contractor's estimates were incorrect. Council Members Galloway, Holm, Garcia, Sekula-Gibbs and Green absent.

Upon questions by Mayor White, Mr. Halpin, with Housing and Community Development, stated that he was familiar with the case and she was correct; that once they started repairs they found termite damage and the work stopped, then they decided to replace the house. Mr. Halpin discussed the facts of her case; and upon further questions stated that there was one other person in the same situation; and Mayor White stated that he understood the circumstances and they were going to solve her Mom's problem, but in discussing home repair there were some houses where minor repairs would not do it and they were going to fix what was wrong; and Mr. Halpin would help her today and if there was a similar situation with the other person he should get with him. Council Members Galloway, Holm and Sekula-Gibbs absent.

Council Member Alvarado stated that this was probably her fourth time to be here; and upon questions, Mr. Halpin stated that they try and place people near their house and before they did any others this would be reviewed. Council Members Galloway, Holm and Sekula-Gibbs absent.

Mayor White stated that when the City demolished part of someone's house it needed to

be fixed and there should be a special obligation to make sure things worked out right; and Council Member Alvarado stated that she wanted a policy in place on how they chose the location where people were sent to. Council Members Galloway, Holm and Sekula-Gibbs absent.

Council Member Quan stated that guidelines needed to be set as to what level homes would be repaired and those they could not; that families like the Coronado's were caught in the middle and it was a shame. Council Members Galloway, Holm and Sekula-Gibbs absent.

Ms. Mary Wise, 7037 Capitol, Houston, Texas 77011 (713-829-0899) appeared, presented information and stated that she was present on behalf of the Magnolia Community Center; that the center had gone down a lot, but under the administration of Dr. Adolfo Rosin it was better; that he did more for the community than anyone and they were asking for the City's help in keeping him there. Council Members Galloway, Holm, Sekula-Gibbs and Green absent.

Council Member Alvarado stated that she too was familiar with Dr. Rosin's great job and she needed clarification from the director on his removal; that she thought he was to stay under another capacity; and Mayor White stated that she would get the information. Council Members Galloway, Holm, Sekula-Gibbs, Green and Berry absent.

Upon questions by Mayor White, Ms. Wise stated that she understood another gentleman was sent to be over him and she did not see why; that it was doing very well and they wanted to keep him as the top administrator. Council Members Galloway, Holm, Sekula-Gibbs, Green and Berry absent.

Council Member Quan thanked Ms. Wise and the others for coming and stated that at one time there was an effort to remove Dr. Rosin previously and Council stepped in and he was surprised they were not kept apprised of the situation; and he joined Council Member Alvarado in asking for clarification from the Health Department. Council Members Galloway, Holm, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that it was his impression Dr. Rosin would stay in that position or in another position, but it was now brought to his attention; and he thanked her for coming. Council Members Galloway, Holm, Sekula-Gibbs, Green and Berry absent.

Mr. Frank Partida, 6911 Avenue K, Houston, Texas 77011 (713-928-3517) appeared and stated that he was president of the Magnolia Multi Center and today they gave Council a petition supporting a person they knew, Dr. Adolfo Rosin, that he was a community leader and friend and had over 30 years service to their community; and they urged Council to be sensitive and support them in keeping Dr. Rosin as manager of the multi service center. Council Members Galloway, Holm, Sekula-Gibbs, Green and Berry absent.

Ms. Sandra Lopez, 2805 Lockett, Houston, Texas 77021 (713-842-9454) appeared and stated that she was a member of the Central City Subdivision and was present trying to preserve the 66 year old neighborhood from the TMC's multi-story parking garage; that work was in progress and trees were cut down; that several appeared before the Texas House of Representatives in support of HB2537 which was introduced by Rep. Garnett Coleman and was to create a more transparent process with the TMC and eminent domain; and Martha Wong sponsored a Bill in 2004 which would give the Texas Medical Center the power to circumvent deed restrictions in Central City only. Council Members Galloway, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she was concerned about two items which came out of Austin, one being that the TMC was given the power to do what they did in Central City and the other was that the committee was concerned as the Medical Center had built several garages and they were concerned eminent domain was being used to build them; that she did

not know how bold the city wanted to be but felt they should at least be as bold as some representatives. Council Members Galloway, Sekula-Gibbs and Berry absent.

Mr. Alfonso Pico, 2905 Lockett, Houston, Texas 77021 (713-747-2259) appeared and stated that he lived in Central City and he and others had gone to Austin to support HB2537 and won with the help of Representative Coleman. Council Members Galloway, Sekula-Gibbs and Berry absent.

Mr. Jerry Brady, 827 E. Rogers, Houston, Texas 77022 (713-695-3321) appeared and stated that he was president of Liberty Cab Company and was present today regarding minimum charge for limousines in Houston; that Liberty proposed an \$80.00 minimum for a two hour ride but would support \$74.00. Council Members Galloway, Sekula-Gibbs and Berry absent.

Council Member Khan stated that he understood the limousine rate had not changed since the early 1990s and upon questions, Mr. Brady stated that the fee was \$25.00 an hour with a two hour minimum and he understood it had been that since approximately 1990; and to the best of his knowledge the cab companies and drivers would like to see the \$80.00 rate. Council Members Galloway and Sekula-Gibbs absent.

Mr. Rudy Bruhns, 1406 Hays, Houston, Texas 77009 (713-222-7077) appeared and stated that he was vice president of Yellow Cab and he wanted to compliment Finance and Administration and also supported their recommendation of \$70.00 minimum for a two hour period; that the limo rate had not been raised to keep with the taxi rates and strongly recommended Council supporting their recommendation and in supporting the taxicab rate increase. Council Members Galloway and Holm absent.

Upon questions by Council Member Khan, Mr. Bruhns stated that in 1989 a fair to downtown was \$28.00 and now \$37.50. Council Members Galloway and Holm absent.

Mr. Daniel Corrigan, 611 Houston Avenue, Houston, Texas 77007 (832-704-2834) appeared and stated that first impressions were very important and people wanting to bring conventions, etc., added money to Houston; that a person's first impression leaving the airport was rates and getting into a Townecar at \$50.00 for two hours was a fair price and it was important for rates to not go up. Council Members Galloway, Holm and Sekula-Gibbs absent.

Upon questions by Council Member Berry, Mr. Corrigan stated that he was not in the limousine business and was present as a concerned citizen, he was an attorney but had not been hired on the matter; that now there was a \$50.00 minimum for two hours and though he was not familiar with rates in other cities if they liked the rates here they would come here. Council Members Galloway, Holm and Sekula-Gibbs absent.

Council Member Garcia stated that part of the issue was that Townecars were competing with cab companies and they had a lot of regulations which the Townecars did not have; and upon questions, Mr. Corrigan stated that there were stricter laws being enforced and there were regulations on Townecars and limousines. Council Members Galloway, Holm and Sekula-Gibbs absent.

Mr. Dell York, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that he was turned down for a hardship permit and two companies near him which had hardship permits for security; that if he had to get a modular home could he be given more than 30 days and if the company doing composting for the City now became his partner would they let the two of them do it. Council Members Wiseman, Holm and Sekula-Gibbs 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

Wiseman, Holm and Sekula-Gibbs absent.

Mr. Darren Landry, P. O. Box 172, Hockley, Texas 77447 (281-686-1102) appeared and indicated that he would like Mr. Mark Roberts, his attorney, to speak for him. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Ellis moved that the rules be suspended for the purpose of allowing Mr. Mark Roberts to speak in place of Mr. Landry; and Mayor White stated that if there was no objection it would be done upon consent. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Mr. Mark Roberts, who was allowed to speak for Mr. Darren Landry, stated that he was an attorney representing Mr. and Mrs. Landry who operated a concession since 1991 at Hermann Park; that they later expanded and opened a hotdog stand and they were a small entrepreneur who wanted to be treated fairly and equitably and not to favor any group over the other; that in their investigations, while there may not be any factual allegations of impropriety with the Friends of Hermann Park Houston in implementation of policy there was a great influence and impression of impropriety and they would like the Landry's to be able to stay until things were cleared up; that they were not able to come up with a reasonable bidding process and rangers seemed to unfairly favor one group so the bottom line was they were in need of an extension. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Edwards stated that she worked with vendors in Hermann Park; and upon questions, Mr. Roberts stated that certain vendors were given citations and others were not for the same thing and that gave the appearance of impropriety or conflict of interest; and Council Member Edwards stated that she would like to speak with Mr. Roberts at another time. Council Members Wiseman, Holm and Alvarado absent.

Upon questions by Council Member Khan, Mr. Landry stated that he and his wife were vendors since 1991 and had operated the hotdog concession stand seven months; that they had no contract as they were allowed to have the stand and were then given extensions; that he felt other concessionaires were jealous; that a park ranger was married to a vendor and they had direct control over the park and were able to participate in the bidding process even though they enforced the rules. Mr. Roberts stated that there as an effort to fine tune some contract issues, but if his clients were not allowed to stay as a part of this there would be an extreme disadvantage; that there was a bond posting that was causing problems to the smaller vendors. Council Members Wiseman, Holm and Alvarado absent.

Ms. Pam Curvey, no address (no phone) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Holm and Alvarado absent.

Ms. Evelyn Johnson, 6529 Utah, Houston, Texas 77091 (713-695-8609) appeared and stated that she was a senior citizen and present as her home was temporarily falling down; that in 2004 she started needing help and her information was given to District B. Council Members Wiseman, Khan, Holm and Alvarado absent.

Council Member Galloway thanked Ms. Johnson for coming and for the information and stated that there was a cut off last year in December but perhaps she was already on the list and her office had spoken with her and would check on the matter. Council Members Wiseman, Holm and Alvarado absent.

Mr. Joe Jordan, 2615 Waugh, Houston, Texas 77006 (713-680-3181) appeared and stated that he was president of the Limousine Association of Greater Houston and represented a large segment of the limousine industry and asked those present with him to stand to be recognized. Mr. Jordan further stated that they were present to express the concern that a rate of \$80.00 was way too high and responding to Council Member Garcia the limousine industry

was the most over taxed and over regulated industry in the City of Houston; that there had been serious disparity issues between the limousine and taxicab industry for decades; that the taxicab company could sell when they wanted and the limousine was nontransferable; that cabs could buy a five year old SUV with 100,000 miles and put it in and a limousine could only buy brand new with less than 1,000 miles and they felt the cab industry was given enormous concessions; that if a convention wanted to come and put out bids for limousines it would be cheaper elsewhere and that's where they would go; that regarding conventions they should be exempt from any minimum so they could be competitive; that now from Hobby Airport you could go to Downtown for \$20.00 so why pay 400% for a Townecar; that the taxicab industry had too many breaks for too many years and they wanted a break. Council Members Wiseman, Holm and Alvarado absent.

Upon questions by Council Member Quan, Mr. Jordan stated that 75% of the limos could be Townecars and the rest were stretched limos and vans; that today people wanted to look conservative and many would rather have the Townecar; that he felt he could sell to the industry \$70.00 for a single run with a single person if they could get other concessions and get exempted from conventions; that F & A in their wisdom conducted a survey of the 65 largest cities in the country and 95% did not have minimum prices; that taxicabs and buses should be regulated as they were public necessities, but limousines were not a necessity they were a luxury and were not needed. Council Members Wiseman, Holm and Alvarado absent.

Upon questions by Council Member Ellis, Mr. Jordan stated that it was said they had no regulations and yet he had to wear the four badges he had on and discussed what they were for. Mr. Jordan further stated that the current people at F & A were on the same page they were with only minor differences. Council Members Edwards, Wiseman, Holm and Alvarado absent.

Council Member Garcia stated that taxicabs had restrictions and limitations placed by ordinance; that he understood there were roughly double or triple the number Townecars and limos than taxicabs; that Mr. Jordan had provided examples of how they competed with the cab industry and some services they provided were not common and were not public necessity, but they were putting themselves in line with the cab industry and he was not sure that was something they wanted to see happen; that they did service another crowd and needed to be set apart; and Mr. Jordan stated that the taxicab industry had benefits they did not have and the limos had benefits the taxicabs did not have, but it was a matter of economics, if they wanted to just get a ride they would call a cab and if they wanted to impress someone they would call a Townecar, it was a different market. Council Members Edwards, Wiseman, Sekula-Gibbs and Alvarado absent.

Mayor White stated that on a related issue he wanted to thank Council Members Berry and Goldberg and others on what they had done in looking at this situation, but as a potential topic for their committee he would like them to look at something; that Council Member Quan was much involved in a taskforce to assist those trying to lawfully seek medical attention and do business at the universities in the Houston area; that they did not want terrorist here, but did want visitors; that there were many stories on people trying to get in or out and with most cities if you put the name of a hotel that was the address, but in Houston they required a street address and how many people knew that; he was saying if it was a law and everyone in the country had to do it then they should, but if it was not, then why; that it may be a small matter but to frequent business travelers and others it was a sole fact of bureaucracy; that it was federal officials doing it and maybe they would like to come to the meeting and explain the logic, maybe his information was mistaken, but he wanted Houston to be friendlier than other cities; that another thing he wanted looked at was storage fees and practices of auto storage companies; that he was trying to track down what the storage companies were doing when there were unclaimed vehicles and they were auctioned and the person had the right under law to proceeds in excess of the amount owed; that he had not been able to get a clear answer and he needed Council's help and thought it may be a great issue for the committee. Council Members Edwards, Wiseman and Sekula-Gibbs absent.

Mr. Vance Lane, 4406 Pine Ville, Spring, Texas 77388 (281-353-2055) appeared and stated that he was also with a limousine company and there was a disparity between taxicabs and limousines; that they did not have cab stands at the airport someone had to call them; that they had to pay for their advertising; that they had no stands at downtown buildings and many times he referred people to cabs because he could not get a car there fast enough; that the taxicabs were always asking for a rate hike and he was a cab driver for three years and from a cab driver's perspective every time the cab company asked for a rate hike the meter rate went up; that \$50.00 was a limos minimum, but they were also charged \$4.00 an hour for parking at the airport and the second hour was \$8.00 and a cab could sit there forever and not be charged; that they had gone through so many checks they had to be some of the safest people there was. Council Members Galloway, Edwards, Wiseman, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Erich Reindl, 4103 Sherwood, Houston, Texas 77092 (713-680-1955) appeared and stated that ever since he could remember the cab industry had gone after the limousine industry, but they were not their enemy and they did not take their customers; that limos were already charging twice the amount a taxi charged and the price increase was not justified; that the limo cars cost twice as much and the insurance was two to three times as high and he did not think Council should be in business of making money for taxicabs; that there should not be a price increase and if they wanted to help ground transportation as a whole they needed to stop issuing licenses to taxis, limos and shuttle services for the next 15 to 20 years so the market could absorb what was already saturated. Council Members Edwards, Wiseman and Berry absent.

Upon questions by Council Member Khan, Mr. Reindl stated that the rate increase would not even be a quick fix and would make things worse; that no one could exist below \$60.00 and he would suggest \$60.00 as \$80.00 was unacceptable. Council Members Galloway, Edwards, Wiseman and Berry absent.

Upon questions by Council Member Quan, Mr. Reidl stated that about 94% of the cities had no limo regulation and if it was not regulated here he would still charge what he charged now, if it was less than \$60.00 he could not make a living, but he was against regulation and being told what to do as he had to make a living. Council Members Galloway, Edwards, Wiseman, Holm, Garcia and Berry absent. (NO QUORUM PRESENT)

Ms. Linda Pomerleau, P. O. Box 12038, Spring, Texas 77391 (281-320-0005) appeared and stated that she was owner of Gulf Coast Limousine Services in Houston and the limousine was not a public transportation company they were a private and privately owned company; that they did not stop on corners or look for fares, they had to advertise; that they did not run a shuttle back and forth between the airport and she felt they did not need their prices regulated; that she agreed with the previous speaker, in order to maintain their business they had to make a certain amount of money per trip; that they did not run full like a taxi and they may not have but one run for hours; that their regulation should be related to safety to the public such as insurance and safe vehicle and that regulation was acceptable, but price fixing them at a minimum was wrong. Council Members Galloway, Edwards, Holm, Garcia, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. Felix Halper, 10405 Town & Country Way, Houston, Texas 77024 (281-960-0320) appeared and stated that he was with Coach Limousine Service and regarding pricing they wanted Houston to be a competitive city; that he agreed with Council Member Garcia to an extent because companies like Yellow Cab also owned Townecars and ran them under a taxicab license and wanted an increase, but limos did not need an increase because they charged a competitive price compared to other cities, but if they made them a minimum of \$80.00 they would be way out of other cities and people would be upset coming to Houston; that he felt it would be better to distinguish the cabs and limos by the types of cars used. Council

Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. T. Cedric Harris, 2502 Mann, Houston, Texas 77093 (832-794-0217) appeared and stated that he appeared on behalf of the limousine industry and they disagreed with the \$80.00 proposed rate increase; that they could not afford a rate like that from the airport; that if they had to a \$60.00 rate would be more acceptable if they had to but would like none; and most had already been covered. Council Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to clarify that the City's proposal was \$70.00 and she did not know where the \$80.00 came from. Council Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Barbara Vaglianti, 9003 Peter Sham, Houston, Texas 77031 (713-527-5043) appeared, passed pictures around and stated that she was present about wrong doing by police officers; that there was a stop sign on Blodgett at Garrett and police were randomly there on a sunny day but not when raining; that there were three cars and a wrecker, but the stop sign was at least 10 feet from the intersection and when you stop and then go the officers at the corner could not see you and were stopping people for running the sign when they had not; that she was stopped by the officers and told they had not seen her stop, but they were not able to see her stop and in the pictures they were seeing it showed there was no way officers could see anyone stop at the stop sign. Council Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that she should give her information to Mr. Cantu; and upon questions, Ms. Vaglianti stated that she had not appeared in court yet; and Mayor White stated that they would get the information and forward it; that they wanted officers to stop people but in compliance with the law; and she could visit with the officer present at this time. Council Members Galloway, Edwards, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Jassim Jacob, 6719 Misty Creek, Missouri City, Texas 77459 713-527-5043) appeared and stated that he was just present to witness what Ms. Vaglianti had said; that such dishonest behavior by officers was disappointing and seemed like fund raising; and asked that Council make sure such behavior was not repeated. Council Members Galloway, Edwards, Holm, Garcia and Berry absent.

Mr. John Ryan, 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 Galloway, Edwards, Holm, Garcia and Berry absent.

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

Mr. John Cherry, Sr., 4503 Cherry Lane, Santa Fe, Texas 77517 (409-316-2212) appeared, presented information and stated that he was present to make Council aware of what he thought was a costly mistake being made on proposed project at Intercontinental Airport; that Cherry Environmental and Cherry Demolition had been in business in Houston for a number of years and was one of the top five demolition companies in the United states; that there was currently a project being run for the city by W. D. Schock and it involved the demolition of 157 homes in the Greenview Manor Subdivision and approximately 45 to 75 of the homes were able to be relocated; that there was good housing that could be used for low cost housing and the city was paying to demolish it, unfortunately due to the oversight as to why that was done relocation was not included as an option and they were not being allowed to bid for such; that the result was the City would spend more than what was necessary to demolish and the reuse

of the homes was lost; that Harris County, TxDOT, etc., used that option on a regular basis to reduce the cost of demolition; and requested that the Mayor and Council intercede and reissue the bid package. Council Members Galloway, Edwards, Holm, Garcia and Berry absent.

Council Member Quan stated that they were very concerned about affordable housing and if they could be reused and save the City money it provided an option for a number of communities; and upon questions, Mr. Cherry stated that W. D. Shock was the company and they spoke with Ms. Anissa Veal; and Council Member Quan stated that he would be glad to look into this. Council Members Galloway, Edwards, Holm, Garcia and Berry absent.

Upon questions by Council Member Ellis, Mr. Cherry stated that he was referring to Project 617 and Mr. Mussio with the City of Houston Dangerous Building Division could give more information; that when they bid the county job they took into account the housing they knew was out there; that the city would receive value from the contractor if they were allowed the option; and Council Member Ellis stated that he felt it was a great alternative. Council Members Galloway, Edwards, Holm, Garcia and Berry absent.

Mr. James A. Drake, 3621 Trout, Houston, Texas 77093 (713-694-0301) appeared and stated that he was president of the Texas Structural Movers Association and was involved in house moving for four generations; that today he was present to discuss the opportunity to move approximately 150 houses located in the Bush Airport noise abatement buyout; that not one homeowner was allowed to buy back and he talked to Schock many times to get him to open buying to the public; that the Texas Highway Department gave the landowner the right to buy back his home at 1% so if he was paid \$100,000.00 for his property he could buy the improvement back for \$1,000.00 and that got rid of the improvement; that by moving the building it saved the City money on demolition cost, raw building materials could be recycled; it was a source for low income housing and then they were back on the tax roll; and urged a response from Council to have the houses moved. Council Members Galloway, Edwards, Holm, Garcia and Berry absent.

Mr. James D. Drake, 2111 Aldine Bender, Houston, Texas 77032 (281-449-7700) appeared and stated that he was present addressing the buyout of the property at Intercontinental Airport; that licensed movers would like the opportunity to bid and buy and move some of the houses in that area; that the approximate cost to demolish would be between \$3,000.00 and \$10,000.00 and with 150 houses to be moved that could save up to \$1,000,000.00 and in putting them up for auction it would be a profit of \$80,000.00 to \$100,000.00 plus the savings for demo. Mayor White, Council Members Galloway, Edwards, Khan, Holm, Garcia, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Marilyn Pride, 1321 Sue Barnett, Houston, Texas 77018 (713-695-6733) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Khan, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Jackie Phillips, 414 West Troy Road, Houston, Texas 77091 (713-753-0382) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Khan, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Madine Lewis, 807 Park Trail Vista, Houston, Texas 77019 (281-974-3095) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Khan, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Cheryl Donovan, 14419 Campden Hill, Houston, Texas 77045 (832-265-4845)

appeared and stated that she was executive director of Access Health and present to discuss the uninsured, with healthcare rising fewer individuals and families could afford healthcare coverage and fewer businesses were supplying it for employees and those who did were struggling to hold on to it; that those who did not have it faced the challenge of finding reliable, affordable quality healthcare and many went without checkups, etc., that the nation as a whole was disadvantaged as a result of the poor health and premature death of uninsured Americans; that Access Health would do its part in a fight for coverage of the uninsured by holding an enrolment fair Saturday, April 30, 2005 in the parking lot at Interfaith Ministries, but it was only a start and she encouraged Council Members to look at the issue and investigate ways to facilitate better healthcare coverage for Houston residents. Mayor White, Council Members Galloway, Edwards, Khan, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs thanked Ms. Donovan for coming and bring information on Uninsured Week; that it was important to tell people of the goals of Gateway to Care, an organization who many knew about, and goals to bring more federally qualified healthcare centers, clinics, which helped uninsured people have access to community clinics that had a low cost sliding scale care; that there were now five new clinics designated FQHC in the area with four in Harris County and one in Missouri County in Alvin and it was a great help. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Rick Cheesman, 8907 N. Kittmore, Houston, Texas 77099 (281-568-6446) appeared, presented information and stated that he was a vendor in Hermann Park and had come the past two years speaking of the problems many vendors had and they met April 5th to discuss the contract compliance with (HPC) Hermann Park Conservancy but the audit put the blame on the subcontractor and not HPC though the contract clearly stated that HPC would be held responsible even if there were no subcontractors; that the letter he presented from the City Controller had highlighted certain points and they were talked about in the meeting but misquoted to Ms. Parker and he went through the list of errors listed in the handout and stated that he did not see why they had to lie. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that they had the information and thanked Mr. Cheesman for coming. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Francisco Campos, Jr., 1842 Huger Oaks, Houston, Texas 77055 (713-907-8327) appeared and stated that he was a subcontractor with Hermann Park and present to discuss the audit done; that it was done with misinformation, the manager purposely lied with the information provided to the auditors to shape the audit and he was asking for an opportunity to meet with any of the Council Members to present the information and would like the audit redone with the correct information because the Parks Director was using the findings of the audit to make recommendations regarding the subcontractors. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Campos stated that he thought Hermann Park provided false information to the auditors and he wanted information included that they purposely had left out; and if they were not in compliance then Hermann Park was not in compliance; that they were following the system setup by Hermann Park; that he would make copies of what he had and leave it with his office. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he was hearing over the past two years that the Friends of Hermann Park did not want them there; and upon questions, Mr. Campos stated that was his feeling; that they were all small businesses and their livelihood did depend on this and that was why every year they came to Council because every year they had to fight to stay; and Council Member Khan stated that he would like the information he had sent to him also; and he understood that at one time the Parks handled the concession and then it was given to the Friends of Hermann Park and after that they continued to have this going on and maybe Parks should take it back. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, 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 Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Cristobal Patino, 2616 Louisiana, Houston, Texas 77006 (713-528-1625) appeared and stated that he wanted to know about the contractor working on Wayside; that they started and then disappeared; that he also wanted to know if the City would reconsider leaving the park restrooms open longer hours. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan thanked Mr. Patino for coming and stated that the street did need to be finalized and he would follow-up on that; and Mr. Patino stated that the restrooms at Hermann Park were shut down at 7:00 p.m. and he would like them to reconsider shutting them down later and also reconsider leaving open concession stands and having energy drinks. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Charles George, 13704 Garber, Houston, Texas 77015 (281-639-2723) appeared and stated that he was appearing with the shirt he was wearing when he was knifed and a copy of the hospital report and that HPD refused to do perimeter checks at major burglaries in trucking yards and drove off and left someone locked in a trailer for an additional five hours and had fought against him; that they also refused to file charges on someone who wrote checks on his father while he was comatose; and requested an ordinance be passed. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, 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 to express his personal opinions until his time expired. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mary H. Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was from Acres Home and present regarding her house; that the Urban League did work on her house, they put a bigger door on it but changed the way it opened and she was not able to use the door now when her car was in the garage; the air conditioner needed antifreeze, the countertop was too long; and continued listing things that were of wrong until her time expired. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that Lester with Housing and Community Development was present and would speak with her at this time and someone from the Mayor's Office was also present to assist her. Mayor White, Council Members Galloway, Edwards, Wiseman,

Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Kevin Howard, 4525 N. Braeswood #203A, Houston, Texas 77096 (713-294-8099) appeared, presented information and stated that taxpaying citizens were suffering the severe penalty of a seven year credit history for failure to return a book to the library on time; that if that was going to be the policy there should be a sign saying so placed in the library where it could be seen. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he checked on his situation; and upon questions, Mr. Howard stated that he was late with the book but he did not receive letters; that federal law determined borrowing a book was not a consumer transaction, the library was a public place to borrow books and there was no credit approval; that he had no problem with a person being turned over to a collection agency, but once the books were returned and the fees paid the policy made someone pay for seven additional years and ruined that life for seven years. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:00 p.m. City Council recessed until 9:00 a.m., Wednesday, April 27, 2005. Council Member Toni Lawrence absent on city business. Council Member Mark Goldberg out of the city on city business. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 27, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, April 27, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Deputy Agenda Director present. Council Member Adrian Garcia out of the city on city business.

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 Member Wiseman absent.

MAYOR'S REPORT

Council Member Alvarado moved to suspend the rules to consider Item Numbers 11, 54 and 57 out of order, seconded by Council Member Khan. Mayor White stated that if there was no objection it was so ordered.

11. RESOLUTION relating to the appointment of Directors to the Board of Directors of the **HOUSTON HOUSING FINANCE CORPORATION:**

- Position 2 - **MR. R. QUINN MEADS**, appointment, for a term to expire 12/5/2007
- Position 4 - **MS. LEESHAN BIRNEY**, appointment, for a term to expire 12/5/2007
- Position 5 - **MR. REDICK EDWARDS**, reappointment, for a term to expire 12/5/2007
- Position 7 - **MR. JOHN BRODIE**, reappointment, for a term to expire 12/5/2006
- Position 8 - **MR. JOHN A. GONZALES**, reappointment, for a term to expire 12/5/2007
- Position 10 - **MR. DANNY DAVID**, appointment, for a term to expire 12/5/2006
- Position 11 - **MR. FELIX FRAGA**, reappointment, for a term to expire 12/5/2007

- was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Member Wiseman absent. RESOLUTION 2005-0007 ADOPTED.

Mayor White requested that the appointees present in the audience stand and be recognized for their service. Council Member Wiseman absent.

54. RECOMMENDATION from Acting Director Library Department for approval of Rules and Regulations for the use of the Houston Public Library System Libraries – **(This was Item 3 on Agenda of April 20, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and QUAN)** – was presented, moved by Council Member Alvarado, seconded by Council Member Khan, and tagged by Council Member Edwards. (Note: Council Member Edwards released her tag later in the meeting.) Council Member Wiseman absent.

Council Member Quan stated that he had discussions with Ms. Toni Lambert about the matter and understood what was going on but one of the things they had talked with the previous administration about was implementation of pay toilets in the City, that many States had facilities on the streets where people could use pay toilet facilities, the homeless could be given coins or tokens so they could use them and thought that would alleviate some of the problems that the library was looking at with Item No. 54, that he asked the administration maybe to look again at the issue, that a study was done at one time and there was concern about foot traffic in Houston but he thought that had improved and the time was right for them to revisit the issue, that he would be glad to share information with the Mayor about the companies that provide those services with no cost to the City, that it would generate about \$10 million annually to the City of New York because of advertising, that it was done very tastefully, that it would provide an opportunity for homeless people or individuals to use facilities on the street, and Mayor White stated that he thought it was an idea worth looking into. Council Member Wiseman absent.

57. 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 – **(This was Item 32 on Agenda of April 20, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN, GALLOWAY, GREEN, HOLM, SEKULA-GIBBS, GARCIA, KHAN, QUAN and ELLIS)** – was presented. Council Member Wiseman absent.

Council Member Sekula-Gibbs stated that she appreciated the opportunity to have some of her questions answered at the Fiscal Affairs meeting, but she did not have much time to check on the references that were supplied to her by Mr. Lambert, that she received a memo dated April 27, 2005 and received several references regarding SAP and most of the references were for California or the west coast counties and she had tried to call them but none of them were open and she had left messages saying they could call back and tell her if they were satisfied with the performance of SAP and none of them had been able to respond, so because of that she moved to postpone Item No. 57 for one week.

Mayor White stated that there had been a representation that basically no satisfactory references had been checked and he would be interested in what Mr. Richard Lewis had to say about that and if there was no objection to having Mr. Lewis joining them and hearing none asked Mr. Lewis to take a seat at the Council table and asked him to address the issue, that Council Member Sekula-Gibbs had represented that there was no satisfactory reference for the firm. Council Member Goldberg absent.

Mr. Richard Lewis stated that process involved approximately two and a half years to get to the point they were at and Council Member Sekula-Gibbs, as well as the committee, reviewed

a slide that included six installations that they checked on as a result of their decision to negotiate an agreement with SAP, that Houston Independent School District implemented financials and purchasing back in 1998, the Deputy Superintendent gave them a glowing reference in terms of that installation, that the City of Phoenix had a similar relationship, that Council Member Sekula-Gibbs was questioning the HR Payroll functionality associated with the project, which was the Phase II portion of the work, that two of the six references that they reviewed with the committee, he represented, had satisfactory results with the HR Payroll piece, they were specifically the Texas State University and Tarrant County, in the Tarrant County case the prime contractor was an integrator that had not performed well, the County asked SAP to step into the prime contractors shoes and the Tarrant County Administrator represented to him that SAP had performed on the HR Payroll, they had some issues with the budget module, which they were not implementing and he represented that to the committee, so he had two of the six that had specific success records with the HR Payroll piece, that on Monday morning she asked for three governmental clients that used SAP and they provided her that information at 1:20 p.m. on Tuesday, her office called and asked for contacts and phone numbers and that was provided early this morning, that he did not believe, based on what he understood the committee's action to be that it was not a material issue for the committee.

Council Member Edwards stated that she was satisfied with the process but was trying to figure out if Council Member Sekula-Gibbs motion was approved and if the recommendations come back how would that impact the process, so she would know which way to vote on whether to delay or move the item forward, and Mr. Lewis stated that he guessed if the references came back positive it would not have any affect, the issue was probably just the week's delay, that they had about 14 months to design, build and test a financial system that would go live on July 1st, that was an aggressive schedule. Council Member Goldberg absent.

Council Member Edwards stated that she wanted to release her tag on Item No. 54 and Mayor White stated that they would consider Item No. 54 immediately after Item No. 57. Council Member Goldberg absent.

Mayor White stated that he had been informed that Controller Parker, who was very familiar with this was also present if Council Members had questions. Council Member Goldberg absent.

Upon further questions by Council Members, Mr. Lewis stated that the three references on the west coast that were provided in addition to the two, he had not checked, the one that he personally talked to was Tarrant County, because he had a personal relationship, that out of the six that they represented, he personally talked with HISD, San Antonio, Tarrant County and Colin County, that Texas State University and Tarrant County both had positive results with the implementation of HR Payroll, that the other four did not implement that part of the software and one of them did and they had problems with their prime contractor which was not SAP, that they had a consultant help with the selection process, that Salvalcio and Associates, they were the ones who checked all the references. Council Member Goldberg absent.

Mayor White asked if the Controller wished to add anything to the discussion and if there was no objection the Controller could appear before the City Council. Council Member Goldberg absent.

Ms. Parker stated that she personally checked the references with HISD and her primary concern was the very aggressive implementation schedule they had for the roll out, that she was expected to have it ready to go when they started the fiscal year next year and in order to reach that schedule time was of the essence, that they had three good companies who could all do the job, they all had success and failures, they looked at the failures at SAP and tried to anticipate how they could correct them and one was the performance bond they insisted upon and the other was the money they had put in their proposal for personnel at the City's end, that they thought the biggest risk was that they did not have the people in place to do both their

current job and the job of migrating to the new system, they thought they had done everything they could to anticipate that, that the financial system was in the first phase of the roll out, HR and Payroll would be in the second phase and they should know SAP inside and out by the time they got to the second phase and if they had to make corrections there she thought they would have the ability to do that. Council Member Goldberg absent.

After a lengthy discussion Mayor White asked if there was a second to Council Member Sekula-Gibbs motion to postpone Item No. 57. MOTION 2005-0367 DIED FOR LACK OF A SECOND.

A vote was called on Item No. 57. Council Member Sekula-Gibbs voting no, balance voting aye. Council Member Garcia out of the city on city business. ORDINANCE 2005-0405 ADOPTED.

54. RECOMMENDATION from Acting Director Library Department for approval of Rules and Regulations for the use of the Houston Public Library System Libraries – **(This was Item 3 on Agenda of April 20, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and QUAN)** – was again before Council, previously moved by Council Member Alvarado, seconded by Council Member Khan. Council Members Edwards and Wiseman voting no, balance voting aye. Council Member Garcia out of the city on city business. MOTION 2005-0368 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 53

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 10

5. **HOUSTON 2-WAY RADIO, INC** for Intercom/Radio Mixer Systems for ARFF Vehicles for Houston Airport System - \$49,922.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia out of the city on city business. MOTION 2005-0369 ADOPTED.
6. ORDINANCE appropriating \$10,010.70 out of Parks Consolidated Construction Fund for Asbestos Abatement and Demolition Services at Alief Community Park; GFS F-0509-08-5; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT F – KHAN** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0406 ADOPTED.
- 6a. **HAZARD ASSESSMENT LEADERS, INC (HAL)** for Asbestos Abatement and Demolition at Alief Community Park for Building Services Department – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia out of the city on city business. MOTION 2005-0370 ADOPTED.
7. ORDINANCE appropriating \$613,007.95 out of Fire Consolidated Construction Fund to Purchase Equipment for New Fire Stations 86 and 94; CIP C-0061 & C-0127 - **DISTRICTS E - WISEMAN and G - HOLM** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0407 ADOPTED.
- 7a. **KNAPP CHEVROLET, INC** - \$558,200.00 and **BEAUMONT MOTOR COMPANY d.b.a. CLASSIC CHEVROLET BEAUMONT** - \$369,500.14 for Ambulances and Cabs and Chassis through the Interlocal Agreement for Cooperative Purchasing with H-GAC for Fire Department - Equipment Acquisition Consolidated and Fire Consolidated Construction Funds – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia out of the city on city business. MOTION 2005-0371 ADOPTED.

8. **MOODY BROS., INC** for Equipment, Chlorinator Parts, Wallace and Tiernan for Department of Public Works & Engineering - \$270,300.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia out of the city on city business. MOTION 2005-0372 ADOPTED.
10. **TURTLE & HUGHES, INC** for Electrical Switchgear and Motor Controls Contract for Various Departments - \$619,744.90 - General, Enterprise, Fleet Management and Storm Water Funds – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia out of the city on city business. MOTION 2005-0373 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 52

14. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 416** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0408 ADOPTED.
15. ORDINANCE consenting to the addition of 72.7806 acres of land to **NORTH BELT UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0409 ADOPTED.
16. ORDINANCE approving and authorizing special warranty deed conveying to HMH Group, Inc., a Texas Corporation, a parcel of land containing 78,053 square feet (1.7919 acres), more or less, out of Reserve “B” of King Estates Subdivision, Section 2, Thomas Tobin Survey, A-774, Harris County, Texas (Former King Estates / Kennedy Heights Library located at the southeast corner of East Orem Drive at Cullen Boulevard); and in consideration of HMH Group, Inc’s payment of \$78,933.53 and other consideration to the City - Parcels SY4-036 - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0410 ADOPTED.
17. ORDINANCE approving and authorizing special warranty deed conveying to Houston Rent To Own, LLC, a Texas Limited Liability Company, a parcel of land containing 10,094 square feet (0.2317 acre), more or less, being all of Lots 26 and 27, Block 65, Foster Place Extension No. 3 Subdivision, S. D. Waltman Survey, A-843, Harris County, Texas (Excess South Loop Freeway, right-of-way located in the 7300 block of Conley Street); and in consideration of Houston Rent To Own, LLC’s payment of \$26,016.00 and other consideration to the City - Parcel S83-034 **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0411 ADOPTED.
18. ORDINANCE approving and authorizing special warranty deed conveying to Seyed Ali Tabatabai, a parcel of land containing 12,535 square feet (0.2878 acre), more or less, being the residue of Lots 1, 2, 3, 4 and 5. Block 1, Senechal Place Subdivision, Luke Moore Survey, A-51, Harris County, Texas (Excess Scott Street right-of-way, located at 1800 Scott Street at Coyle Street); and in consideration of Seyed Ali Tabatabai’s payment of \$52,000.00 and other consideration to the City Parcel SY3-019 - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0412 ADOPTED.
19. ORDINANCE approving and authorizing special warranty deed conveying to Manuel E. Solis, a parcel of land containing 10,432 square feet, more or less, being the residue 7,992 square feet out of Lots B, C, D and E, Block 125 and 2,440 square foot being the excess right-of-way of Terminal Street, Central Park Addition, S. M. Williams Survey, A-87, Harris

County, Texas (Excess Navigation Boulevard, right-of-way located at 6600 Navigation Boulevard); and in consideration of Manuel E. Solis' payment of \$19,001.00 and other consideration to the City Parcel S71-050 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0413 ADOPTED.

20. ORDINANCE approving and authorizing special warranty deed conveying to Jesus Way Bible Fellowship Church, a Texas Non-profit Corporation, a parcel of land containing 36,451 square feet (0.837 acre), more or less, being Tract 36C, Block 36, Glendale Subdivision, John Brown Survey, A-8, Harris County, Texas (Excess Munn Street Extension, right-of-way located at 1630 Pleasantville Drive at Munn Street); and in consideration of Jesus Way Bible Fellowship Church's payment of \$48,100.00 and other consideration to the City - Parcel SY5-010 **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0414 ADOPTED.
21. ORDINANCE approving and authorizing special warranty deed conveying to Jesus Way Bible Fellowship Church, a Texas Non-profit Corporation, a parcel of land containing 18,294 square feet (0.420 acre), more or less, being Tract 36B, Block 36, Glendale Subdivision, John Brown Survey, A-8, Harris County, Texas (Excess Munn Street Extension, right-of-way located at 1630 Pleasantville Drive at Munn Street); and in consideration of Jesus Way Bible Fellowship Church's payment of \$25,400.00 and other consideration to the City - Parcel SY5-012 **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0415 ADOPTED.
22. ORDINANCE approving and authorizing special warranty deed conveying to Robert R. Snyder a parcel of land containing 11,604 square feet, more or less, out of Lot 20, Block 21, Acre Home Addition, Juan Sutton Survey, A-751, Harris County, Texas (Former Water Plant Site acquired from Gulf Palms Utility Co., Inc., 12300 Palmdate); and in consideration of Robert R. Snyder's payment of \$26,200.00, and other consideration to the City - Parcel S84-071 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0416 ADOPTED.
23. ORDINANCE approving and authorizing special warranty deed conveying to Nghiem Pham, a parcel of land containing 25,140 square feet (0.5771 acre), more or less, out of Lot 2, Block 51, Lum Terrace Addition, H. B. Prentiss Survey, A-56, Harris County, Texas (Excess property for proposed Police Substation, located at 7411 Park Place Boulevard); and in consideration of Nghiem Pham's payment of \$80,000.00 and other consideration to the City - Parcel SY2-016 **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0417 ADOPTED.
24. ORDINANCE approving and authorizing special warranty deed conveying to Bernardo Gonzalez, a parcel of land containing 9,993 square feet, more or less, out of Lots 3, 4 and 5, Block 19, Pecan Park Addition, Jacob Thomas Survey, A-74, Harris County, Texas (Extension of South 75th Street right-of-way, located in the 7100 block of Vandeman Street at Garland Street); and in consideration of Bernardo Gonzalez's payment of \$61,459.69 and other consideration to the City Parcel S83-058 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0418 ADOPTED.
25. ORDINANCE approving and authorizing special warranty deed conveying to Manuel E. Solis, a parcel of land containing 4,805 square feet, more or less, being the residue of Lots 12, 13, 14 and the east 3-feet of Lot 15, Block 125, Central Park Addition, S. M. Williams

Survey, A-87, Harris County, Texas (Excess Navigation Boulevard, right-of-way located at Navigation and 67th Street); and in consideration of Manuel E. Solis' payment of \$12,001.00 and other consideration to the City - Parcel S71-047 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0419 ADOPTED.

26. ORDINANCE approving and authorizing special warranty deed conveying to Manuel E. Solis, a parcel of land containing 13,967 square feet, more or less, being all of Lots 31 and 32 and the residue of Lots 16, 17, 18, 19 and 20 and the residue of the west 22-feet of Lot 15, Block 125, Central Park Addition, S. M. Williams Survey, A-87, Harris County, Texas (Excess Navigation Boulevard, right-of-way located at 6639 Navigation Boulevard); and in consideration of Manuel E. Solis' payment of \$28,001.00 and other consideration to the City - Parcel S71-048 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0420 ADOPTED.
27. ORDINANCE approving and authorizing special warranty deed conveying to Manuel E. Solis, a parcel of land containing 7,625 square feet, more or less, the residue of Lots 21, 22, 23 and 24 and Lot A, Block 125, Central Park Addition, S. M. Williams Survey, A-87, Harris County, Texas (Excess Navigation Boulevard, right-of-way located at 6500 Navigation Boulevard); and in consideration of Manuel E. Solis' payment of \$18,001.00 and other consideration to the City Parcel S71-049 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0421 ADOPTED.
28. ORDINANCE approving and authorizing special warranty deed conveying to Manuel E. Solis, a parcel of land containing 12,278 square feet, more or less, the residue of Lots 1, 2, 3, 4 and 8, Block 126, Central Park Addition, S. M. Williams Survey, A-87, Harris County, Texas (Excess Navigation Boulevard, right-of-way located at 6500 Navigation Boulevard); and in consideration of Manuel E. Solis' payment of \$23,001.00 and other consideration to the City - Parcel S71-051 **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0422 ADOPTED.
29. ORDINANCE issuing a permit to **EXXONMOBIL PIPELINE COMPANY**, 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; providing for severability - **DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; E - WISEMAN and H - GARCIA** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0423 ADOPTED.
32. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and the **TEXAS DEPARTMENT OF PUBLIC SAFETY (DPS)** for DPS' participation in the Major Accessory Shop Enforcement/14 Grant Program and approving and authorizing the submission of an application for grant assistance to the Texas Automobile Theft Prevention Authority ("ATPA") for the Major Accessory Shop Enforcement/14 Grant Program; declaring the city's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for an accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0424 ADOPTED.
36. ORDINANCE appropriating \$9,785.00 out of Airport System 1998B AMT Construction Bond Fund (535); approving first amendment to purchase and sale agreement with

Reynario Vargas and Erica Vargas for purchase of land and improvements thereon out of Greenview Manor Section Three for Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-63.1 (Project 617) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0425 ADOPTED.

37. ORDINANCE appropriating \$612,850.00 out of Airport System Consolidated 2000 AMT Construction Fund (530); authorizing purchase of land and improvements thereon out of Wooded Acres Subdivision, J. W. McGinnis Survey, A-587, and Hartland Acres Subdivision, W.C.R.R. Co. Survey, Section One, A-935, Houston, Harris County, Texas, for Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-64.1 (Project 617); approving purchase and sale agreements with the owners of the land (Santiago Galindo and Graciela Galindo; and Avenell 1996 Family Trust) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0426 ADOPTED.
39. ORDINANCE appropriating \$28,611.45 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **PARKSTONE BUILDING COMPANY, LP** for Construction of Sanitary Sewer Line along Hall Road, CIP R-0802-26-03 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0427 ADOPTED.
41. ORDINANCE approving and authorizing Professional Artist Services Agreement between the City of Houston and **GEORGE SACARIS** for incorporation of Civic Art into the Consolidated Rental Car Facility at George Bush Intercontinental Airport/Houston, Project 444B, CIP A-0422 **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0428 ADOPTED.
42. ORDINANCE appropriating \$1,950,000.00 out of Airports Improvement Fund; CIP A-0138.31.6, Project 409F; approving and authorizing Amendment No. 1 to contract for Professional Consulting Services by and between the City of Houston and **DEREK CONSULTING GROUP, INC** for Information Technology Services for the Houston Airport System; providing a maximum contract amount - had been pulled from the Agenda by the Administration, and was not considered.
43. ORDINANCE appropriating \$480,076.00 out of General Improvements Consolidated Construction Fund as an additional appropriation for Design of Various City Facilities, GFS D-9999-03-2/ D-0119-01-2; under Professional Engineering Services Contract with **BOVAY ENGINEERS, INC** (Approved by Ordinance No. 99-0573) - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0429 ADOPTED.
46. ORDINANCE appropriating \$739,690.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Design of Wilcrest Drive Reconstruction from Beechnut to Bellaire Blvd., GFS N-0766-01-2 (SB9203); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0430 ADOPTED.
47. ORDINANCE appropriating \$566,500.00 out of Water & Sewer Consolidated Construction Fund as an additional appropriation for the condition assessment of existing large diameter water lines and approving and authorizing second amendment to construction

contract with **LOCKWOOD, ANDREWS, & NEWNAM, INC**, (Approved by Ordinance No. 03-0205); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund, GFS S-0019-25-02 (WA10760) - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0431 ADOPTED.

48. ORDINANCE awarding contract to **OCE' NORTH AMERICA, INC** for Lease of Two Wide-Format, Multifunction Copiers for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with 2 one-year options - \$511,839.60 - General and Enterprise Funds – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
49. ORDINANCE appropriating \$1,872,270.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Wastewater Collection System Rehabilitation and Renewal, GFS R-0266-E2-3 (WW4235-26); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0432 ADOPTED.
50. ORDINANCE appropriating \$2,042,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **C AND C SERVICES** for Water Line Replacement in Cloverland-3 Subdivision, GFS S-0035-A4-3 (WA10764); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0433 ADOPTED.
51. ORDINANCE appropriating \$12,450,850.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BOYER, INC** for Supervisory Control & Data Acquisition (SCADA) and Security at EWPP, GFS S-0522-06-3 (WA10659-1); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, Fund No. 755 **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0434 ADOPTED.
52. ORDINANCE appropriating \$3,425,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **JALCO, INC** for Construction of On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances, Package #4, GFS S-0701-03-3 (WA10700-04); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering and testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0435 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor on recommendation from Harris County AFL-CIO for confirmation of the appointment of **MR. DEAN CORGEY** to Position Two of the **ETHICS COMMITTEE**, for a term to expire December 31, 2006 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Galloway stated that she wanted to congratulate Mr. Dean Corgey, that she knew he would serve them well on the Ethics Committee.

A vote was called on Item No. 1. All voting aye. Nays none. Council Member Garcia out of the city on city business. MOTION 2005-0374 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of **MS. MARY K. VARGO**, to Position 2, Panel B of the Building and Standards Commission, for a term to expire December 31, 2005 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia out of the city on city business. MOTION 2005-0375 ADOPTED.

Mayor White and Members of Council congratulated Ms. Vargo on her appointment and thanked her for her service to the City.

3. RECOMMENDATION from Director Building Services Department for approval to delegate authority to the Director Building Services Department to utilize competitive sealed proposal method for Facility Construction Projects estimated to be \$1,000,000.00 or more – was presented, moved by Council Member Khan, seconded by Council Member Lawrence, and tagged by Council Members Galloway and Green.

Council Member Khan stated that he was really happy to see the request because many times in the construction projects the lowest bid project was often the most costly project because of all the change orders and everything that went along with that and the competitive sealed proposal was the best way of awarding a contract. Council Members Lawrence and Goldberg absent.

ACCEPT WORK

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,473,818.18 and acceptance of work on contract with **LAUGHLIN ENVIRONMENTAL, INC** for Citywide Fire Hydrant Replacement and Height Correction, GFS S-0035-SR-3 (10719) - 01.73% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Goldberg absent.

Council Members Quan and Galloway stated that they wanted to commend Laughlin Environmental for an outstanding MWBE goal and for completing the project under budget. Council Member Goldberg absent.

A vote was called on Item No. 4. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Member Goldberg absent. MOTION 2005-0376 ADOPTED.

PURCHASING AND TABULATION OF BIDS

9. **CEMEX** for Five-through Eight-Sack Concrete Mix for Various Departments - \$4,268,784.00 General, Enterprise and Storm Water Funds – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia out of the city on city business. MOTION 2005-0377 ADOPTED.

RESOLUTIONS AND ORDINANCES

12. ORDINANCE **AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to disposition of property held by the Police Department - was presented.

All voting aye. Nays none. Council Member Garcia out of the city on city business.
ORDINANCE 2005-0436 ADOPTED.

13. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the operation of Minimotorbikes on Public Roadways and Parks; providing for severability; and providing an effective date – was presented.

Council Member Lawrence stated that she was passing out a friendly amendment to Item No. 13, that what they had going behind cars, on sidewalks, were kids that were seven or eight years old riding the little motorbikes when people were pulling out of their driveway, that she had one neighborhood where they had eight or nine of them, and some of the kids had actually been tapped a little bit or knocked over because cars were actually backing out slow, that they had one child, a couple of weeks ago, that lost his life in District A, that it was a different situation but they needed to be aware that no child was exempt from riding one of the little bikes, going 15 miles an hour behind a car that was backing out, so she was trying to add the amendment to the ordinance that was on the books as follows:

“Concerning Houston City Council Agenda Item 13, I hereby provide a written motion to amend Article XX Section 45-501(5) in the following manner:

- (5) ~~A neighborhood electric vehicle or a motor assisted scooter, as defined by Section 551.301 of the Transportation Code.~~

Concerning Houston City Council Agenda Item 13, I further motion to amend Article XX Section 45-502 in the following manner:

- (a) A person commits an offense if the person rides or operates, or as the parent or ward of a child younger than 18 years of age permits the child to ride or operate, a minimotorbike on any public roadway, street, alley or sidewalk or city park within the City limits.
- (b) A person commits an offense if the person rides or operates, or as the parent or ward of a child younger than 18 years of age permits the child to ride or operate a neighborhood electric vehicle or a motor assisted scooter on any alley, sidewalk or city park within the City limits.”

Council Member Holm stated that she had several concerns about the ordinance, that she was curious to know why this ordinance had just rolled out without a whole lot of real discussion other than one committee meeting, that she agreed that they were dangerous but she thought there were a lot of things that were dangerous on the road and how did they address it, that she did not understand what the intent of the ordinance was, if they were concerned about speed they had laws on the book about speed, if they were concerned whether it was a vehicle or not then they needed to certify it as a vehicle, if they were concerned about safety then why was it just this equipment, why was it not motorized scooters, skateboards, four wheelers, go carts and mopeds, and if they were concerned about inappropriate behavior was this the right tool for them, that it was her understanding that the minimotorbikes were not street legal so why did they need the ordinance, that her other question was how were they going to enforce it, that she would like Neighborhood Protection to look at it through the Police Department, and make sure they were not passing an ordinance that addresses a problem but truthfully provides no remedy, that when it came to parks she thought it was a very specific issue and thought the chapter they ought to address all motorized equipment in parks was in Chapter 45, that she would tag both the amendment and the main item.

Upon further discussion, Mr. Michel stated that he was not sure what happened in practice right now, that he did know that if today one of the minimotorbike went out into the street the officer could ticket the person if he found that the use in that instance endangered another, that was the provision of the Transportation Code where if they were not street legal, that presumably what the ordinance, he thought, was geared at the enforcement issue, in that if

Council believed the issue was pervasive enough, that the dangerous situations happened, then they could simply ticket based on the emergence or potential of the problem rather than the actual situation where they had a near accident or endangerment, that there were categories of items that people found dangerous and that they could ticket now but that required the officer observing an actual danger or someone else and having that person be a witness. Council Member Alvarado absent.

Council Member Green stated that Captain Lori Bender was in the audience and moved to suspend the rules to hear from Captain Bender at this time. Mayor White stated that if there was no objection it was so ordered. Council Member Alvarado absent.

Upon questions by Council Member Green, Captain Bender stated that as they knew they could write equipment violations but she was not sure since they made the bikes 49ccs, they were under 50ccs, since it was less than three wheels that met the ground it was defined in the Transportation Code as a motorcycle, so a better resource was somebody from the prosecutor's office or maybe Ms. Michel Austin, who researched it before she authored the ordinance, that these bikes were kind of flying under the radar of the current ordinances and State laws and thought that was why they were trying to write a definition in Austin right now pertaining to that, that the ordinance offered the officers another tool in their arsenal, they did not have to prove that it was endangering a child or an equipment violation, they just had to prove that the person was riding the bike that was defined as illegal to ride on the street, sidewalk, park or however it was determined in the ordinance to be enforceable.

Upon further discussion and questions by Council Members, Captain Bender stated that they could write citations as to what made them not street legal and then they would have to prove it in particular, and Mr. Michel stated that the ordinance was a lighter burden of proof to prove in court than the other ones, that was really the main distinction, which meant that it would tie up officers less so in terms of testifying.

After further discussion by Council Members, Mayor White stated that the administration wanted to be responsive to the sense of Council on the issue, that it was raised by at least a couple of Council Members, that they did not want to see people hurt, that there was a public stake when there was a head injury, they would not believe the amount of money and resources that Ben Taub spent on, that it came right out of the taxpayer pocket, but on the other hand they were a City that celebrated freedom and they had some limited enforcement resources, that those were the balances, that he thought public discussion was good, that he thought there were many Council Members who were getting questions from citizens about what they were doing about it, that it was very dangerous and somebody was going to be hurt, that he thought it was in good faith what was motivating people. Council Members Alvarado and Quan absent.

Upon questions by Council Member Edwards, Council Member Green stated that he would be glad to once again go around individually or have another committee meeting next week, and Council Member Edwards stated that she would like to meet with Captain Bender and Ms. Austin, Legal Department. Council Member Quan absent.

After further discussion Council Member Sekula-Gibbs stated that as to Council Member Lawrence's amendment she would like to ask Mr. Michel to give them an official opinion on the language of what the addition of "B" would have on the ordinance so that they could really see what that would capture, and Mr. Michel stated that he would. Council Members Edwards, Wiseman and Quan absent.

30. ORDINANCE approving and authorizing lease agreement between the City of Houston and **TRAMMELL CROW COMPANY IAH INTERNATIONAL AIR CARGOCENTRE II, L.P.** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Edwards and Quan absent. ORDINANCE

2005-0437 ADOPTED.

31. ORDINANCE appropriating \$360,000.00 out of Fire Department Fund Number 48A; approving and authorizing first amendment to lease agreement between **HORNBERGER BROS. PROPERTIES, INC, as landlord**, and the City of Houston, as tenant, for approximately 24,928 square feet of land located at 815 Pierce Street, to extend the lease term for three years; such leased premises to be used as a Temporary Fire Station by the Houston Fire Department **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Edwards and Quan absent. ORDINANCE 2005-0438 ADOPTED.
33. ORDINANCE approving and authorizing first amendment to interlocal agreement between the City of Houston and **HARRIS COUNTY** for Operation and Maintenance of Finnigan Park and to extend the term of the agreement for ten years - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Edwards and Quan absent. ORDINANCE 2005-0439 ADOPTED.
34. ORDINANCE appropriating \$245,228.00 out of Housing Replacement Insurance Fund (Fund 932) to Reimburse the City's Home Investments Partnership Program Treasury Account for Expenditures made in connection with the Spanish Village Community Development Corporation, Inc.'s Multi-Family Housing Project located at 4000 Griggs Road, Houston, Texas - **DISTRICT D - EDWARDS**

Council Member Sekula-Gibbs stated that she had some concerns about the appropriation of \$245,000 to essentially bail out the Spanish Village Community Development Corporation and this project, that there was a loss of over \$1 million in a combination of grants and loans in this project starting in 1997, that the question was did they pay the money and wash their hands of the project going forward, that she voted against it when it came to committee, that she had conversations with Mr. Wilson and reviewed it very thoroughly and there was evidence that it was the right thing to do, that they had an opportunity for the City to recover the money if they did put forth the \$245,000 they would be able to recover that from HUD. Council Members Galloway and Quan absent.

Council Member Khan stated that they had a detailed discussion about the item in the Housing Committee meeting and Director Wilson explained the need for it, that it was part of the HUD audit that they did, that he would request his colleagues to move forward and approve it and if there were any questions Mr. Wilson was present. Council Members Galloway and Quan absent.

Council Member Edwards stated that as to the Spanish Village issue, she had worked with that community even before she came on Council, that one of the problems historically with that type of project had been bad advice that community residents and members of the CDC were given by people they held in authority, they thought they were doing things they were told to do, part of the problem was the City's own responsibility and she was looking to the leadership of Mr. Wilson and his office to rectify it, that in all the problem that had been there the Spanish Village had always been clean and well run, that the community members of the CDC had really stretched beyond their means and were on the road to being a very responsible board and having the information to do the right thing. Council Members Galloway and Quan absent.

A vote was called on Item No. 34. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Galloway and Quan absent. ORDINANCE 2005-0440 ADOPTED.

35. ORDINANCE approving and authorizing Public Pay Telephone Services Concession Agreement by and between the City of Houston and **SOUTHWESTERN BELL**

TELEPHONE L.P. d/b/a SBC TEXAS, for the Houston Airport System – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Member Galloway absent. ORDINANCE 2005-0441 ADOPTED.

38. ORDINANCE approving and authorizing compromise and settlement agreement between **COATS, ROSE, YALE, RYMAN & LEE** and the City of Houston to settle a claim in connection with Legal Representation of the City of Houston concerning certain non-performing loans \$43,571.70 - Grant Fund – was presented, and tagged by Council Member Lawrence.

Council Member Berry stated that as a policy they had talked about it after it happened, that they had a very clear understanding here, they did not pay for services as a City or as an administration over a threshold of \$25,000 unless the City Council approved it, that was their check and balance, that they had a situation here where a law firm ran up a bill for some amount of money that an individual in the administration clearly had a conversation with them and later they came back and said they needed to be paid on it and yet the City Council never approved it, when he made the comment in January the Mayor said it would not happen again, and he suspected it would not, but he just wanted to go on the record that this happened long before the Mayor made that commitment, but he thought it was terrible policy for any individual within the administration to call someone up and get a professional service above the threshold and later come back and the City Council was sitting there with their hands tied up, and would look like a deadbeat for not paying their bills, or would they say they should not have done it but now they were going to pay it, and he guessed if there was an explanation he would like to know it, but it was not about John Walsh or Bill Coats, it was about a policy that as a City they would not engage a professional service or purchase a commodity without City Council approval, pure and simple.

Mayor White stated that he shared Council Member Berry concerns and he did not know the particulars of when the engagement started, but would tell them that he remembered a discussion that he had late one evening with two directors in his office on the day that some of the loans became known to him, it was some time ago when he made clear direction that immediately they would retain a seasoned, experienced work out firm because there could be certain consequences first to the residents and then to the City if the first lien lender foreclosure proceedings had already been notified, then approximately six weeks later he found out that it had not been done, but that did not mean that they should not follow all procedures.

Council Member Holm stated that this was about policy and when the contract came forward last November she had three meetings with Mr. Walsh, she met with the law firm and also met with the directors because she had some concerns about letting a contract for \$200,000 and what it was going to cover and what the procedure was, at no time did anyone say they had already hired them and they were working on it, none of that, that she did not know how it happened but this was at least the second or third time they had brought something to Council after the department had contracted when it was required to come before City Council, that she did not know how they continued to allow it to happen.

Council Member Lawrence stated that the word settlement in the backup, she would like a little bit more definition of that, where they started and where they ended, just a run through with somebody. Council Member Berry absent.

Mayor White asked Mr. Walsh to keep his respond brief.

Mr. Walsh stated that he respected the City Council's authority to authorize payments and he would take responsibility for parachuting in at the middle of the situation and being asked to bring in a law firm, get on top of a serious situation that needed to be handled, his lack of familiarity of how they got things done in the City was part of it, but that was no excuse on his part, that it had been a learning experience and he could assure them that once he fully

understood what the requirements were with respect to contracting that the contract that was approved by Council for \$200,000 would be honored, there would be no more spending than the \$200,000, they had that in writing from Coats, Rose and did not excuse or exempt the problem of not having come to Council, it only tried to mitigate the situation and say that it had been remedied and he for one would never bring a project forward in the future that did not have full processing by the administration and approval by the Council, and Mayor White stated that they were learning to work better.

40.ORDINANCE appropriating \$4,337,551.00 out of Airports Improvement Fund and awarding contract to **HONEYWELL INTERNATIONAL** for Access Control Modifications and Upgrades at the Houston Airport System, CIP A-0372, (Project 612Y); providing funding for contingencies relating to such fund – was presented, and tagged by Council Member Wiseman.

Council Member Berry stated that he would like to take Item Numbers 40 and 42 up in committee, that he could talk to somebody to see how rushed they were to get them through.

44. ORDINANCE appropriating \$5,910,000.00 out of Drainage Improvements Commercial Paper Series F, Fund No. 49R and approving and authorizing first amendment to Professional Engineering Services Contract (approved by Ord. No. 2003-1195), GFS M-0220-03-2 (SM5013) between the City of Houston and **J. F. THOMPSON, INC** for services associated with the Storm Water Management Program (SWMP) – was presented.

Council Member Edwards stated that she was not going to tag the item but she would like to encourage them to have more partnership, that they had meetings every Friday with Public Works regarding storm management, flooding and drainage issues and this item was never brought up and it was problematic for them in trying to develop a go forward strategy where they could have full discussions and understand policies and how they were funding projects and what projects were in the pipeline, that she talked to Mr. Nelson about the item on Friday and they needed to have at their meetings information regarding these types of items, there were 44 projects involved in Item No. 44 and when they were talking about drainage and flooding issues in the committee structure they needed to have that information, not as an after thought, but as a proactive tool to help them do what they were talking about doing, if they had 44 projects in the works or in the pipeline they had to have that information to District Council Members and so forth, and Mayor White stated that he agreed with her completely. Council Member Quan absent.

Council Member Goldberg stated that he agreed with Council Member Edwards, that just a little bit more communication so they could all be on the same page. Council Member Quan absent.

A vote was called on Item No. 44. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0442 ADOPTED.

45. ORDINANCE appropriating \$715,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **TSC ENGINEERING COMPANY** for Design of Neighborhood Street Reconstruction Project No. 438A, GFS N-0371-02-2 (SB9210); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS A - LAWRENCE; G - HOLM and H - GARCIA** – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0443 ADOPTED.

53. ORDINANCE granting to **TVMAX HOUSTON, L.P.** a Texas Limited Partnership, the right privilege, and franchise to erect, maintain and operate a Cable Television System in the City of Houston, Texas - **FIRST READING** – was presented.

Council Member Goldberg stated that he had passed out an amendment by Council Member Garcia and himself, that they had different wording but thought they had reached a consensus, as follows:

“Item 53 on the City Council Agenda of April 27, 2005 be amended to require that:

If TVMAX merges with or is bought out by a company worth 500 million dollars or more or another tele-com that provides cable services then the agreement must be renegotiated in good faith to serve the entire city on the basis of demonstrated community need.”

Council Member Goldberg stated that he was not 100% comfortable with the amendment so he would tag the amendment. Council Member Quan absent.

Council Members Wiseman, Galloway, Green, Lawrence, Alvarado, Khan and Edwards stated that they would also tag Council Member Goldberg's amendment. Council Member Quan absent.

Mayor White stated that Council Members Goldberg, Wiseman, Galloway, Green, Lawrence, Alvarado, Khan and Edwards had also tagged Item No. 53. Council Member Quan absent.

After further discussion Mayor White stated that the amendment and the main item had been tagged.

MATTERS HELD - NUMBERS 55 through 60

55. 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 – **(This was Item 15 on Agenda of April 20, 2005, TAGGED BY COUNCIL MEMBERS GARCIA, HOLM, WISEMAN, KHAN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Member Quan absent. ORDINANCE 2005-0444 ADOPTED.
- 55a. RECOMMENDATION from Finance & Administration Department to award to **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 – **(This was Item 15A on Agenda of April 20, 2005, TAGGED BY COUNCIL MEMBERS GARCIA, HOLM, WISEMAN, KHAN and SEKULA-GIBBS)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Member Quan absent. MOTION 2005-0378 ADOPTED.
56. 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 – **(This was Item 25 on Agenda of April 20, 2005, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0445 ADOPTED.
58. 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 – (This was Item 33 on Agenda of April 20, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0446 ADOPTED.

59. 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 – (This was Item 40 on Agenda of April 20, 2005, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2005-0447 ADOPTED.
60. MOTION by Council Member Wiseman/Seconded by Council Member Berry that after review of the record on the appeal filed by Bertha Vargas on behalf of Evangelina Galvan on the decision of the General Appeals Board denial of a Manufactured Home Hardship Permit at 10603 Chickadee Lane, Houston, Texas, the decision of the General Appeals Board be upheld and the appeal denied - **DISTRICT E - WISEMAN – (This was Item 48 on Agenda of April 20, 2005, TAGGED BY COUNCIL MEMBER KHAN)** – was presented. Council Member Quan, voting no, balance voting aye. Council Member Garcia out of the city on city business. MOTION 2005-0379 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Galloway stated that she wanted to thank the Mayor, all the departments and City employees and all of the volunteers who participated in the District B, C3 Neighborhood Cleanup, that the cleanup was a great success. Council Members Wiseman, Khan and Ellis absent.

Council Member Galloway stated that she wanted to thank Mayor White, Council Members Berry and Alvarado for their coming together and conducting a very informal and well attended townhall meeting to discuss the progress they as the City were making towards resolving the problem trains in the City that were blocking intersections and creating disturbances, that she wanted to thank Mayor White for going to Washington and for doing everything he could to stop the blockage, that they had seen a difference already. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm and Ellis absent.

Council Member Galloway stated that she wanted to recognize one of her constituents of Pleasantville and worked in the Mayor's Citizens Assistance Office, Ms. Carolyn Culpepper, that today was her birthday. Council Members Lawrence, Goldberg, Wiseman, Khan and Ellis absent.

Council Member Galloway stated that City Hall was the most public building in Houston and some her constituents and friends who were handicap had mentioned to her that the Council Chamber had the least handicap accessibility because someone had to hold the door to let the handicap person come in, that she thought they should investigate the matter so they could make the building more visitor friendly as it related to the handicap. Council Members Lawrence, Goldberg, Wiseman and Berry absent.

Council Member Green stated he wanted to congratulate the Texas Southern University Jesse H. Jones School of Business who won a \$35,000 Grand Prize in the FORD Motor Company Historically Black College and University Classic Competition. Council Members Lawrence, Goldberg and Berry absent.

Council Member Green stated that he wanted to wish the Houston Rockets luck for game number 3. Council Members Lawrence, Goldberg and Berry absent.

Council Member Green stated that on Thursday at 6:30 p.m. on the campus of the University of Houston, Professor Cornell West, a professor at Princeton University, would deliver a speech at the annual David M. Underwood Lecture Series in the Cullen Performance Hall, for those interested they could call 713-743-8137. Council Members Lawrence, Goldberg and Berry absent.

Council Member Green stated that Mr. Andrew Burks and his wife lost their young daughter to an inoperable brain tumor and he wanted to give his condolences to Andrew and his family, that his office would send an email to let them know the funeral arrangements. Council Members Lawrence, Goldberg and Berry absent.

Council Member Edwards stated that she wanted to acknowledge a group of Texas Southern University students who were present in the audience and asked that they stand and be recognized, that they were senior level journalist's students. Council Members Lawrence, Goldberg and Berry absent.

Council Member Edwards stated that she wanted to congratulate Mr. Ed Banks, the Mayor of Third Ward, that he was retiring after 38 years of service and had been a long time activist in the Third Ward area. Council Members Lawrence and Green absent.

Council Member Edwards stated that she wanted to congratulate the Rockets, that the Comets would also be opening up their preseason next Thursday against the Washington Mystics. Council Members Lawrence and Green absent.

Council Member Edwards stated that she wanted to once again address the issue of TMC and Central City and the issue of eminent domain, the hearing that was held in Austin on April 21, 2005, the committee was very concerned that TMC was not a health practitioner, not a clinic or hospital, they were a management company and why did they even have eminent domain power, that was one issue that was going to be looked upon, that for them as a City her concern was that a bill was passed in the special session in the summer of 2004 that spoke directly to the circumvention of the deed restrictions of Central City and that gave TMC basically the power to circumvent those deed restrictions, that she did not know how they would address things like that as a City when they had legislators going in and making special things against the communities that they were supposed to be representing, that she had a problem with that and did not know how to address it, that she would like to see them really be aware of what was going on. Council Members Lawrence, Galloway and Green absent.

Council Member Edwards stated that she had not been able to find any type of ordinance or codification of process when they were doing infrastructure work if it was a historic building or if the streets were historic, that she was not just talking about Freedman's Town, she was talking about the whole City of Houston, what was their process when they dealt with buildings like that, if someone knew where those ordinances were and could give her a heads up because she had not been able to find them and she thought it was critical. Council Members Lawrence, Galloway, Wiseman and Green absent.

Council Member Edwards stated that she had a video she would like to share and they were going to show it in their office on Friday called "Slavery's Buried Past", that it dealt with the issues that happened in New York and Washington, D.C., if anyone was interested in seeing it or borrowing it they were welcome to borrow it. Council Members Lawrence, Galloway, Wiseman and Green absent.

Council Member Edwards stated that in watching Cold Case and CSI she knew it was all

drama and glamorous but she would like to see the case of the tragic death of Lynn Eusan who was killed in the City in the early 1970's brought up and reinvestigated as a cold case, that Ms. Eusan was the first African American Homecoming Queen at the University of Houston and was also a very active civil rights activist during the time and was leading a lot of the movement. Council Members Lawrence, Galloway, Wiseman and Green absent.

Council Member Holm stated that she wanted to acknowledge that former Council Member Bert Keller was present in the audience. Council Members Lawrence, Galloway, Wiseman and Green absent.

Council Member Holm stated that on Friday, April 22, 2005 the final rules of the Quiet Zone had been released, there would be 13 intersections that would be qualified once the City, combined with West University and Bellaire, implement the designation and implement the criteria to establish it, that it was a positive step, that they were looking at an effective date of June 24, 2005. Council Members Lawrence, Galloway, Alvarado and Green absent.

Council Member Holm stated that tomorrow was Arbor Day and the Texas Urban Forestry Council was releasing a new license plate, that it would be \$30 and \$22 of it went to the Texas Urban Forestry Council, and \$8 to TXDOT. Council Members Lawrence, Galloway, Alvarado and Green absent.

Council Member Holm stated that last night was the Green Tie Affair by the Parks People and among others honored was Mayor White and the City of Houston for their progress in establishing the downtown park, additionally Ms. Glenda Barrett, the Executive Director of the Park People was recognized for the Presidents Award and after many years of service had submitted her retirement. Council Members Lawrence, Galloway, Alvarado and Green absent.

Council Member Holm stated that they continue to get calls about people who were panhandling and standing in the esplanades and Council Member Garcia continued to work on strengthening the ordinance as they addressed the issues, that she would encourage them not to continue to support them financially on the streets but encourage them to use the facilities that the community provided in order for them to have a better quality of life. Council Members Lawrence, Galloway, Alvarado and Green absent.

Mayor White stated that Council Members may be able to advise him on this, that it was quality of life and there was an issue which he would not say was emergency, but would put it this way, somebody talked about getting an ordinance quickly on another matter and to him this was a very serious issue and he had asked the City Attorney to look at it and he was thinking if there was a way they could have some Council Members take a look at it, that they had a good strong group of citizens that they had asked to attend a Planning Commission function, and some of this was a little bit second hand, but that there was a meeting of the Planning Commission where the citizens read the rules and regulations and had taken a little different view, it included some very bright people including some outstanding lawyers, and then legal counsel from the City Attorney's office were told that if they took a different view from the City Attorney's office on account of that they would be personally libel for any decisions, that he did not know that it occurred, he knew it was what some Planning Commission members thought occurred, and Council Member Holm stated that she was there, and Mayor White asked how could they fix the ordinances, he knew there was a process point that he had talked to Mr. Michel about it, but people on the Planning Commission and serving on good faith ought to have some kind of immunity. Council Members Lawrence, Galloway, Alvarado and Green absent.

Mayor White requested Council Member Holm to address the issue and Council Member Holm stated that there was an issue that came before the Planning Commission and it had to do with a setback, a variance, of which the actual author of the deed restrictions came forward with the intent, the City's Legal Department gave a very specific definition as defined by the words, their interpretation, which the community, bringing forth their attorney, disagreed with, after

much discussion the Planning Commission unanimously supported the people that came forward, the neighborhood and their perspective, but in the course of conversation the question that came up was, if the Planning Commission did not agree with the legal opinion, who was their hired legal counsel, were they personally libel and they were told yes, at which point the question rose, and she had to agree, so why did they have a Planning Commission if they did not have any opportunity to question the decisions on the part of the community.

Mayor White stated that he would say there were two issues, one was a management issue, and he was not practicing law, he would say that it would be highly unusual for the source of one's legal conclusion or judgment, to determine whether or not they were libel, so somebody would review the tapes, and obviously if someone said unless they agree with them they would be libel, they just had to access the quality control, the second however was that repeatedly over the last year people had told him on the Planning Commission that they heard things like that and therefore that their responsibilities as members of the Planning Commission almost seemed meaningless, not simply that the actual application of the law to the facts was something on which they were given so called legal advice so then they had no discretion, so if they needed to create further immunities could they do that like pronto. Council Members Lawrence, Galloway, Alvarado and Green.

Council Member Holm stated that the comments were, "if you don't follow our advice you are personally libel", that first of all the Planning Commission was appointed to represent the City of Houston and as they grew and encouraged development and promoted density in growth and development they needed those perspectives in order to really make the good decisions for the future. Council Members Lawrence, Galloway, Alvarado and Green.

Council Member Edwards stated that this same type of conversation came up regarding TMC and Central City, the position that Legal had put forward was contingent, the Planning Commission said they had to do what Legal told them to do and that they had no choice in the matter, the same issue came up in that discussion so she was really like to join in with whatever was going on because it needed to be dealt with. Council Members Lawrence, Galloway, Alvarado and Green.

Mayor White stated yes, that what they saw they were talking about was to say they wanted to create some ordinance or statute, that it had also come up, where people were following the law, they were sympathetic to the equities of the group, and he told the Planning Commission members he appointed, if they had no legal power to do something do not tender to the crowd by pretending they did, so they wanted that principle to be there in place, and he could give them a case where that might have occurred at one time, but on the other hand if it created some safe harbor, only if there was one source of legal opinion, that there were differences in interpretations of these things and the citizens should be protected by the type of standards that they would be protected if they sat on the board of a private corporation, that he would like the City Attorney to take a real hard look at it and in very short order maybe both the Chairman of the Neighborhoods Committee and Quality of Life Committee, Council Member Lawrence and others who may just come up with a draft quickly, if it was not a problem he would like that the Planning Commission members to know why it was not a problem because he thought some may think it was a problem. Council Members Lawrence, Galloway, Alvarado and Green.

Council Member Goldberg stated that it was part of an issue that he had raised, not just that they thought they were a rubber stamp, they he heard attorneys in the Legal Department say if they voted along the lines of their legal opinion they were safe, if they did not they were on their own, because their opinion was against, and then they got to the point of what really was the opinion, there was nothing in writing, and he had asked them to show him in writing, to show him a case, to show him examples, nothing, that he wanted to thank Mr. Michel for meeting with him, they were going to come up with a pilot program where Council Members could demand that their opinion on an issue for the Planning Commission, be in writing to the Council Member

a certain amount of time before, laying out the legal precedent, that obviously it would be a huge burden to do it on every agenda item but they wanted to work out a compromise where a Council Member could say why were they saying that the Planning Commission could or could not do that, show them, and up until now he had never gotten the show me part and they needed to change that. Council Members Lawrence, Galloway, Alvarado and Green.

Mayor White stated that they discussed in the last Council meeting some recommendation, he knew when he was practicing law and there were difficult issues he encouraged his clients to seek second opinions and that secure lawyers like that, so that was why they discussed it in Council session two or three weeks ago and it had budgetary implications, and they should not kid themselves, if they wanted to have some outside Council supplement the resource of the Planning Commission, and asked if they could take a look at it and see how they create some kind of broader and safe harbor for Planning Commission members because often the application of law to facts was precisely the type of judgment they needed from members of the Planning Commission, if they thought that the members of the Planning Commission were just having a popularity contest out there and were ignoring the law then their remedy should be to replace them and he for one would discharge that responsibility if he thought that was happening. Council Members Lawrence, Galloway, Alvarado and Green.

Council Member Holm stated that she thought what should happened was for them to look at how they were doing it because at this point neighborhoods felt that they must hire counsel in order to get a fair interpretation or in order to even bring an argument forward and that seemed unfair that the City would not have a very broad comprehensive look at each situation. Council Members Lawrence, Galloway, Alvarado and Green.

Mayor White stated that on behalf of people in the Legal Department, sometimes the City got sued by people and whenever the City was sued somebody criticized the City, that had created a risk of urgent, that in defense of some of the people in the Legal Department there were actually things within Neighborhood Protection that were given in interpretation that was much narrower than the ordinance that the City Council passed, it was to try to avoid any risk, the whole problem with abandoned buildings had to do with something deep in the recesses, having to do with Council Member Reyes and something that he went out and did and it caused all these institutional consequences that made them not tear down abandoned houses because they did not want to be criticized, that they needed to use their judgment and they needed to have adequate counsel. Council Members Lawrence, Galloway, Alvarado and Green.

Council Member Edwards stated that in their office what the whole process had cause for people to feel in the communities was that the Planning Commission was on the side of the developers and that there was some kind of coercion between developers and Planning Commissions and anything that developers wanted they could get done through the Planning Commission and whether that was real or not real that was the perception with those types of attitudes, and they should let the courts decide, that was what the courts were for, that she thought they had the responsibility to have a position of representing the constituents, all the City departments, and when they got to the point to where people started looking at the City, especially the Legal Department and Planning Commission, as being on the side of developers they were in a bad situation. Council Members Lawrence, Galloway, Wiseman, Alvarado and Green.

Mayor White stated that their counsel should be representing the commission and the commissioners, to put it another way, he would not put people to do this, they were trying to delegate to citizens that it was good management to find good people and delegate decisions to them, that it could not all come up through Council or the Mayor's office, or an appointment of citizens to the Planning Commission, the citizens on the Planning Commission should be considered a representative of the client. Council Members Lawrence, Galloway, Wiseman, Alvarado and Green.

Council Member Sekula-Gibbs stated that she wanted to extend her condolences to the Burks family on the loss of their daughter. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Quan and Green. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to welcome the Texas Southern University Class on Advanced Reporting of which a member was Ms. Shelly Anderson in her office. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Quan and Green. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to congratulate Mr. Phillip Bugar and Dr. John and Ann Mingelson, all three of which received the Woodrow Wilson Award from the Smithsonian Institute, that it was given to them for their volunteer spirit and willingness to serve the community. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Quan and Green. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to stand up a little bit for the Texas Medical Center and knew there had been a lot of conflict over the situation regarding eminent domain and taking of some property for the construction of a garage, but the Texas Medical Center was much more than simply a parking system, that it was an enormous enterprise and a huge economic engine for the City, there were 43 institutions at the Texas Medical Center including 15 hospitals and 9 higher education facilities, that it was the largest medical center in the world. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan and Green. (NO QUORUM PRESENT)

Council Member Khan stated that the financial reports were due by the end of the month and those who were not ready to file could request an extension from the City Secretary and had to do it in writing and before the deadline of April 30, 2005. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan and Green. (NO QUORUM PRESENT)

Council Member Khan stated that the Consolidated Plan meeting was tomorrow at 7:00 p.m. in the Council Annex. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Khan stated that the Vietnamese Community was commemorating the 30th anniversary of the fall of Saigon at the Hong Kong Mall on Friday at 8:00 p.m. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Khan stated that as to Neighborhood Protection, since the Mayor made some changes there had been a lot of focus on taking care of abandoned properties all over Houston, that they had a situation, a house in the 7000 of Triola Lane in the Sharpstown area was abandoned for the last 7 years and the neighbors were totally frustrated and nothing had been done for several years, the owners were contacted many times, that the last they knew the owner tried to do some repairs without obtaining a permit from the City so the City had to go and red tag the construction project, now what he understood from Chief Lumpkin the next step was to go for a rehearing and discuss the violations on the property and once they received the order they planned to move to take action against the property. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Khan stated that there was a preschool at 9745 Bissonet called San Felipe Lutheran Pre School, and they had lots of complaints of prostitution in the area, that they received calls from constituents as early as 8:00 a.m. where the parking lot was used by the prostitutes, that they wanted to request that HPD take some serious action. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Khan stated that day before yesterday they had a townhall meeting on itinerent vendors and wanted to thank those who were at the meeting, that he wanted to work closely with Council Member Goldberg because the City was issuing temporary permits to the vendors, that the quality of the neighborhoods go down and he would request Council Member Goldberg to look at why they needed an ordinance to issue temporary permits. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Khan stated that they were at a neighborhood meeting yesterday and there were a lot of traffic problems on West Bellfort, Bissonnet and Beechnut, they had tremendous traffic problems there, that he hoped they could do something in that regard, that they wanted to the Police Department to issue tickets for the speeders on a regular basis. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Green. Vice-Mayor Goldberg presiding. (NO QUORUM PRESENT)

Council Member Khan stated that Cricket was coming to Houston and the all star games were being promoted all over the world, that they had contracted with ESPN to broadcast all of those matches live, that Houston's name was being promoted big time and it would be a great thing for the City. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Green. Vice-Mayor Goldberg presiding. (NO QUORUM PRESENT)

Council Member Berry stated that he wanted to commend the Library Department on a set of rules, that he thought, were very forward thinking and were most importantly responsive to a lot of comments that they received from the public. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Quan, Sekula-Gibbs and Green. Vice-Mayor Goldberg presiding. (NO QUORUM PRESENT)

Council Member Berry stated that with regard to the agenda he had noticed an increasing number of explanations for expenditures as related to homeland security, that there had been a number of stories throughout the Country recently about huge expenditures of equipment that were sitting in back offices because there was money available or there were purchases that people wanted to make for the purpose of homeland security and he had asked recently a couple of questions about expenditures and he was told that it was told for homeland security, that he thought it was probably a little bit over the top, that he wanted people to understand that was not the panacea and they were going to be just as vigilant whether it was for homeland security or not with regard to expenditures. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. Vice-Mayor Goldberg presiding. (NO QUORUM PRESENT)

Council Member Berry stated that in less than two weeks they were going to have a CIP meeting with regard to how they were going to do that and the Mayor had asked that their office bone up on it so if someone could give them a real long primer for him and Katy it would be most helpful. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. Vice-Mayor Goldberg presiding. (NO QUORUM PRESENT)

Council Member Berry stated that on Item Numbers 16 through 28 if somebody could give him a call as to how that process was working with the disposition of land it would be helpful. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. Vice-Mayor Goldberg presiding. (NO QUORUM PRESENT)

Council Member Berry stated that they got a call from someone on the Westside who said he had been appointed to deal with the issue of panhandling, particularly as it related to

transportation, that they called back and they were told that he would be reprimanded because he was not supposed to be doing that, so he would like to find out who that officer was who had the initiative to call them up and rather than his getting in trouble, to get a pat on the back. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Berry requested a downtown construction update, that they were getting an increasing number of constituents saying they were hoping it would be through by now, that he did not know who the person would be to get an update. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Berry stated that he wanted to give a commendation to the Storm Drain Plan Review, that they received an email from a constituent and followed up with Gary Norman's office and the constituent pointed out that while what they were doing could not be done, that was okay because sometimes they could not read or understand the code, but Rodney Spell went out of his way to explain to the constituent why the rule was in place and why it was quite a reasonable rule, that the constituent was thankful that someone had paid attention to them. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Berry stated that he looked at Planning Commission members sort of like they appointed Municipal Judges, they still had City Attorney's trying to prosecute you but the Judge is the advocate on behalf of the City and the citizen may hire an attorney to represent them and then a separate person that they had also hired was there to be the judge and jury and to adjudicate and he saw the Planning Commissions role as that and he had several private conversations with Planning Commission members who did not want to say publicly that they did feel like their only responsibility was to be rubber stamps and they did not think that was the best thing, and he thought that did a disservice to their neighborhoods, that their City Attorney should be a good advocate and at the end of the day the Planning Commission should adjudicate, that he thought they may need to step back in and say to their appointees what they expected of them and what their role was so they would fully understand that. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Mayor White stated that it was not quite Municipal Courts in the sense that the Mayor and City Council could not have Planning Commission members who, for whatever reason, say regardless of what the law was they were going to do blank and sometimes he thought, particularly when they had maybe two lawyers on the commission, and now they may still have, the majority of the people being non lawyers, just making the fine distinction that they got legal opinions from XYZ, formulate their opinion based on what they read and heard, it was their obligation and they would accept the obligation where if the English words of the ordinance did not mean what they say, they pass a new ordinance, he thought good law making with good law making the principle law book should be the dictionary, but they did not want a situation in which there were neighborhood groups where there was something where the state of the law was that the Planning Commission had no discretion where people thought they got somebody, or the developer for that matter, off their back by just voting with them, regardless of the what the law was and put a lot of pressure on the other Planning Commission members, but to him that was a role that the Mayor and City Council should oversee by making sure they had good people on the Planning Commission who understood that, that he thought when they had given the new mandate to serve the interest of the Planning Commission not just protect them from any threat because there would be people who did not like what they did and would threaten to see how they reacted and sometimes they were going to have to react. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Berry stated that the rail townhall meeting was a real celebration that the process worked, that Jonetta Johns and Debbie Allen and a citizen, Jessica Hullsey, that Ms. Johns and Ms. Allen from Super Neighborhood 57 Pleasantville sent emails to Council Member Galloway and she took the issue up and something that people did not believe could happen they had seen incredible progress and at the end of the day it was a celebration of citizens taking it upon themselves to bring an issue to their attention and it was moving along, that he hoped people understood that they did listen and progress was made on the basis of that, that he thought they were going to do some good with regard to coexisting between railroads and communities in the City of Houston. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Goldberg stated that on Friday a Guinness World Book of Record was broken in District C, that at Rice University where they build the largest nanotube model in the entire world, that it was authenticated by one of their federal judges and a NADA astronaut, that they had two Nobel Peace Prize winners working on it, Robert Curl and Richard Smalley, who actually discovered the nanotube and then proceeded to orchestrate how they could make the largest one in the entire world, that the nanotube would revolutionize energy production, it would revolutionize medical diagnostic and would offer technology that would forever change the way they do space travel, that the nanotube was one sixth the weight of steel and a hundred times stronger, that one of the Nobel Peace Prize winners told him that this would be the strongest material, that he thought, ever invented, that there would be nothing ever that they could invent that was stronger than the carbon bases nanotube, which was a remarkable claim to make, that it was a great accomplishment, that some Council Members had been privy to some demonstrations of a facility they were going to build, that it was Rice University teaming up with the Medical Center at the corner of Main and University Boulevard, that they were building a facility that Congress had already allocated between \$11 million and \$15 million to build the facility and it would put the City of Houston in the forefront of the entire world, that he wanted to congratulate Rice University and about 100 students who helped build the model, that it was over 1,000 feet long, that they were going to display it in the Museum of Natural Science in pieces. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Goldberg stated that he wanted to thank Jeff Taylor with the Water Utility Division, they had a complaint and within one hour he was out there solving a sewage problem in someone's home. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Goldberg stated that today was Administrative Professional's Day and he wanted to thank all of his staff members. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Wiseman stated that they were having a problem in the district with cats, that she had photos that showed about eight cats in an abandoned home, that it had been abandoned for about three years, that the cats had reproduced and were running around the neighborhood and they could spread disease, that the community had asked BARK to come to their assistance and they said they could not collect the cats, that they did tell them they could rent the traps from them so they could collect the cats and then the City would come out and pick them up and when the community representatives told BARK that the house was abandoned the City's response was that they could not rent the traps to them because they might get stolen, so the City was doing nothing for the community, that she would like assistance from the City to see if they could take care of it as soon as possible. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Wiseman stated that she had heard wonderful things about Louis Avina, Neighborhood Protection, that they were pleased to see they had wonderful City employees

working and doing their job. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:04 p.m. Council Member Garcia out of the city on city business. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary