

City Council Chamber, City Hall, Tuesday, May 3, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 3, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Jo Wigington, Division Chief, Contract Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Mr. Jose Soto, Assistant Agenda Director present. Council Member Carol M. Galloway absent due to death in family.

At 2:05 p.m. Mayor Pro Tem Alvarado stated that Council Member Garcia would begin the presentations; and Council Member Garcia invited members of the HFD Arson Squad to the podium and stated that today he had a Proclamation recognizing Arson Awareness Week and this was Houston's sixth such week; that arson took life, property and freedom and was a preventable problem of which preventable measures should be addressed; and presented the Proclamation to Chief Corral proclaiming this week as "Arson Awareness Week" in the City of Houston; and Chief Corral who stated that arson was a real problem and accounted for about half the fire losses in Houston with half of that being juveniles and he would present it to Chief Roy Polo, the Deputy Chief in charge of the Arson Division; and Chief Polo stated that there was a 20% drop in the number of incendiary fires and in principal most were directly related to children; that there was almost a 50% drop in the number of children setting fires and that was due to the Fire Stoppers Program; and one of the firefighters introduced Yoshi, a black Labrador, who was the Arson Bureau's first arson canine who had been very instrumental in making arrests. Council Members Lawrence, Goldberg, Edwards, Wiseman, Khan, Holm and Berry absent. (N O QUORUM PRESENT)

Council Member Sekula-Gibbs invited Dr. Kim Dunn, Ms. Wanda Carrington and Ms. Dorkas Opkay to the podium and stated that she had a Certificate to present in honor of the Schull Institute; that the Schull Institute was formed out of a series of community based meetings on medical disparity; that they encouraged community education and research and presented them a Certificate recognizing their achievements in Healthcare; and Dr. Dunn thanked all for their help and leadership and stated that the Schull Institute was committed to improving healthcare; that October 3rd through October 6th would be the Second Annual Schull Conference and all were invited; Ms. Carrington stated that on behalf of the Schull Institute they did appreciate the award; and Ms. Opkay stated that she was representative of Walk the Talk America and it was an effort to get Houston moving. Council Members Lawrence, Goldberg, Wiseman, Holm and Berry absent.

Council Member Alvarado invited Lance CPL Marcos Jesus Garcia Lopez and Sgt. First Class Daniel Rodriguez to the podium and stated that today was a proud day for her and the Eastend Community; that Sgt. First Class Daniel Rodriguez served from 1971 -1973 in Vietnam during Operation Desert storm, 2003-2004 in Operation Iraqi Freedom and did a lot in and for the community and presented him a Proclamation proclaiming May 3, 2005 as "Sgt. First Class Daniel Rodriguez Day" in the City of Houston; and Sgt Rodriguez stated he was grateful to be present; that he liked serving his country and Council did the same served the City of Houston and his heart went out to them; and urged all to keep all soldiers in their prayers. Council Member Alvarado stated that today they also honored Lance CPL Marcos Jesus Garcia Lopez who served a tour of duty in Operation Iraqi Freedom with the Fourth Marine Division and presented him a Proclamation proclaiming May 3, 2005 as "Lance CPL Marcos Jesus Garcia Lopez Day" in the City of Houston; and Lance CPL Lopez thanked God for allowing him to be present and stated that they were all proud to serve their country and to keep all in their prayers. Council Members Lawrence, Goldberg, Holm and Berry absent.

Council Member Garcia stated that it was an honor to have them both before them; that they were a great reminder and example of why we had the best in the world; and thanked them

for their service and for protection of everyone's freedom and liberties. Council Members Lawrence, Goldberg, Holm and Berry absent.

At 2:16 p.m. Mayor White called the meeting to order and called on Council Member Quan for prayer and pledge; Council Member Quan invited Ms. Anna Babin, the president of the Catholic Charities, to the podium and presented her a Proclamation proclaiming May as "Foster Care Month"; Council Member Quan then asked Ms. Babin to lead all in prayer and Council Member Quan led all in the pledge. Council Members. Goldberg and Berry absent.

At 2:19 p.m. the City Secretary called the roll. Council Member Galloway absent due to death in family. Council Member Goldberg absent.

Council Members Garcia and Holm moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Goldberg absent. MOTION ADOPTED.

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Mr. Frank Black as the first speaker, seconded by Council Member Khan. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Goldberg absent. MOTION 2005-0380 ADOPTED.

Council Member Khan moved that the rules be suspended for the purpose of hearing Ms. Nancy Mosley as the first non Agenda three minute speaker, and to add to the Speakers List Ms. Elizabeth Reese, Mr. Bobby Murski and Mr. Pete Peterson and to hear Mr. Van Dequevedo, Mrs. Tina Dequevedo and Ms. Juana Cheesman out of order seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Goldberg absent. MOTION 2005-0381 ADOPTED.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Ms. Sylvia Crispin, Ms. Berti Barba and Ms. Theresa Wright out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Goldberg absent. MOTION 2005-0382 ADOPTED.

The City Secretary started calling the speakers. Council Members Lawrence, Goldberg and Holm absent.

Mr. Frank Black, 5112 Clay, Houston, Texas 77023 appeared and stated that February 25, 2005, he had a stroke and the EMS were the best he had ever seen; that they were from Stations 18, 19 and 12 and were excellent and he came to thank them for their help and Mr. Luke Morrow for making him call 911. Council Members Lawrence, Goldberg and Holm absent.

Council Members thanked Mr. Black for coming and acknowledging the work of the Houston Fire and EMS; and Mr. Black stated that they walked him through what was happening and were very professional. Council Member Lawrence absent.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Ms. Cheryl Raspino out of order, seconded by Council Member Quan; and Mayor White stated that with no objections it was so ordered. Council Member Goldberg absent.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (281-236-7518) appeared and stated that he was speaking on Item 56a and it was not a safety issue that minimotorbikes had been around for years and the accident data did not support such a measure; that Council Member Green lacked data and what surprised him was the Mayor even put it on the Agenda; Council Member Green was attempting to affect the entire city and where was he with the METRO rail problems; and urged the Mayor and Council to vote against the item. Council Member Berry absent.

Mayor White stated that when he came and discussed an issue he listened, but when a citizen started attacking an individual Council Member he tuned out and he would appreciate him just discussing issues. Council Member Berry absent.

Mr. Bruce Hotze, 5440 Alder, Houston, Texas 77081 (713-663-1831) appeared and stated that he previously asked that Council go to the Attorney General and ask if Proposition I and II were consistent and that they comply with the Local Government Code Section 9005 and Mayor White and Council refused; that the first Court of Appeals ruled they must certify adoption of Prop. II and send to the Secretary of State; that tomorrow they were scheduled to certify the citizens adoption at the polls of Proposition I, II and III and urged them to look closely at the language of Prop. I of which the city was to certify as the city lawyers incorrectly and falsely argued in pleadings to court that the language in making it clear was only one of the two propositions would become effective was included in Prop. I and it was not; that the language referenced was if another proposition for a charter amendment relating to the limitations on increases in city revenues was approved at the same election this proposition was approved and if this proposition received a higher number of votes then this proposition would prevail and others would not become effective; that this language was not a part of what the voters approved, the language was not in the publication of Prop. I in the Houston Chronicle on October 10th and 17th; that last week the Council countersued him asking that should the District Court uphold the opinion of the City of Houston as to inconsistencies they pay the City of Houston's legal fees. Council Member Berry absent.

Council Member Wiseman stated she would like to know if the language to be placed in the Charter was identical with what was placed in the newspaper; and Mayor White stated that what was on the ordinance today was what was certified to the state; and Council Member Wiseman stated that she wanted to know if the language was identical to what was posted; and Mayor White stated that he understood both Prop. I and Prop. II would have the language as passed by Council verbatim; and Council Member Wiseman stated that her question was whether the language was identical; and Mayor White stated that they were not voting to put anything on the Charter, but voting to certify results and his understanding was it was the text of the proposition that was passed by Council; that there were abbreviated versions of propositions; and Council Member Wiseman stated that she understood that, but there were discussions that what was on the ballot was not entirely what the voters were voting on; that their notice was given to the voters by the required exact referendum being voted on, the exact language, and they must change their document, City Charter, to reflect what was approved by the voters and if the charge was given to them and they were told by the courts all three had to be put into the Charter and yet it was not their place to say if it was consistent or inconsistent, but she was addressing they had to change what was in the Charter to reflect what was passed; and her question was what they had to put into the book by law, was it exactly what was in the published information required by law, was anything added or deleted; and Mayor White stated that they had not received legal advise and he thought it would be contrary to the last portion of the court ruling that they were not commenting on the legal affect about what they were required to put in the Charter; that he thought the issue of the effectiveness was still pending in District Court so they were dealing with the issue of certification; and upon questions by Mayor White, Ms. Wigington stated that from her reading of the opinion that was exactly what was said.

Council Member Sekula-Gibbs stated that she also had questions about the language issue, what would actually go into the Charter and would like clarification on what they would actually be declaring tomorrow, whether it was or was not the language in the paper; that another concern was the countersuit which stemmed from any citizen having the right to bring to Council an initiative and they had exercised that right and had a referendum and their initiative was placed on the ballot and did all correctly according to state law, but now there was a dispute as to who was the victor; that she had a problem with the city suing him for legal fees for the simple exercise of his right to initiate political activity; that they did not want to send a disturbing message or intimidate people's rights; and Mayor White stated that this was the point

concerning the request for relief of attorney fees; that he understood where they were coming from and he thought they should not take action to intimidate and he would look into the point. Council Members Goldberg and Berry absent.

After further discussion Mayor White asked Mr. Hotze if they were seeking relief of attorney's fees and Mr. Hotze stated certainly they did because the City acted against the law at the Appellate Court and he paid the legal fees; and upon further questions Mr. Hotze stated that if he prevailed he should get his legal fees paid, but if the City prevailed they should not have their legal fees paid; and he would like them to start by paying him the money he paid to the Appellate Court. Council Members Goldberg and Berry absent.

Ms. Gladys House, 1605 Andrews, Houston, Texas 77019 (713-742-6995) appeared and stated that she was present on two issues with the first being Dodson Park; that they were trying to get response and support from Council Member Garcia, they were trying to stop the City's actions to shut down the swimming pool; that they quietly went behind their backs and filled in the pool. Council Members Wiseman and Berry absent.

Council Member Quan stated that there was an environmental report she was looking at; and Ms. House stated that it was a package of information from when she appeared before Council in January or February of this year; and Council Member Quan stated that if she would call his office they would be glad to look for it again; and the site in Freedmen's Town she looked at he had asked Mr. Wilson to seek an RFP to see what was the best use of it and her organization was free to respond, but that space did need to be utilized. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that he called his office and they were looking for her information and if she would give a copy of her information to one of his staff members they would get with her. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Ms. Rachel Tombs, 2915 Delafield, Houston, Texas 77023 (281-216-8848) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Ms. Paula Harrison, 10631 Onslow, Houston, Texas 77016 (713-631-5481) appeared and stated that she was present regarding gang control; and that Blacks should be given the area north of the city's downtown area; Hispanics, Asians, Hebrews and Italians should be given the south area; that downtown living area should be for Caucasians only and that would stop gang wars. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Ms. Nancy Mosely, 7712 Nairn, Houston, Texas 77074 (713-774-7191) appeared and stated that on April 21st she had sewage backup in her home and her neighbor had a problem also; that she called 311 and they said someone would come tomorrow and when they finally cleaned it out there was debris and she was given a number to call Legal so they spoke to someone who said they were obligated to fix her house, but she did not have a house anymore; that she told her to call her insurance company and she did and an adjuster came out but denied the claim; that Council Member Khan came right out and viewed her home and called Mr. Wes Johnson who never responded back to her, but after she was to come to Council she received several calls from Public Works and the Mayor's Office. Council Members Wiseman and Berry absent.

Council Member Khan stated that she was going through a horrible situation; that she had homeowners insurance but they would not cover it because of it coming into the home and the City was immune; that it was not livable and now mold was developing, but people were approaching her today because they were concerned; and Ms. Mosley stated that she would like Mayor White to visit her home. Council Members Wiseman, Garcia, Alvarado, Quan and Berry absent.

Upon questions by Council Member Ellis, Council Member Khan stated that there was a chronic problem in the neighborhood; that the City had been there many times and it seemed to be a systematic problem; that sewage was in her home; that people were telling her the City was immune; and Council Member Ellis stated that they needed to do what was right. Council Members Wiseman, Garcia, Alvarado, Quan and Berry absent.

Mayor White stated that many were looking at this and it was not right and the first question he had was regarding the denial of the homeowners insurance; and Ms. Wigington stated that she did not know the reason; and Ms. Mosley stated that the insurance said if it happened from inside to the outside it would pay but not from outside to the inside; and Mayor White stated that it would be helpful if she would give a copy of her homeowners policy to Legal and a contact; that he would like to understand the basis for denial of claim by the policy; and Council Member Khan stated that in talking to her agent he was told they had an exemption if there was no blockage coming from her own home; and Mayor White stated that there was standard form policy and this was new to him; that there was a problem on this line because there were problems in the neighborhood; that if they made a policy of what happened if people had a problem with sewer line breaks it should be a uniform policy; and Council Member Ellis stated that in blowing out the lines there should be safeguards so it would not go into others homes and businesses and would ask Mr. Marcotte to evaluate that. Council Members Lawrence, Garcia, Alvarado, Quan and Berry absent.

Council Member Edwards stated that there was precedence when they had water mains break and homes flooded and when a pipe broke in District B; that some sewer lines were not maintained for 30 years and they still cut back on maintenance and hopefully this year they would not, but those situations may give insight on how to move forward on this. Council Members Lawrence, Alvarado, Quan and Berry absent.

Council Member Goldberg stated that he went to the house and could confirm the carpet was wet from sewage and he had pictures which showed when it was blown out toilet paper, etc., went about four feet on the walls and a board, coke cans, etc., were taken out of that line; that he was told people from the apartment complex behind them lifted the lid and threw garbage in, but it looked like there was a seven inch line there and there was no way such a line could accommodate the complex too. Council Members Lawrence, Alvarado, Quan and Berry absent.

Mayor White stated that he would ask someone in Legal to look at this; and Ms. Mosley stated that she would fax her information. Council Members Lawrence, Alvarado, Quan, Green and Berry absent.

Ms. Elizabeth Reese, who was previously added to the speakers list, appeared and stated that that the pictures Council Member Goldberg had were from 2002 and had nothing to do with now; that she wanted to thank all for their help, but they had a major problem in Brayburn Valley, Section one, that many apartments were on the same seven inch line their ten homes were on and they had major problems for years; that they came so Council would be aware and could help them. Council Members Alvarado, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Khan thanked Ms. Reese for all her work in the community; and upon questions, Ms. Reese stated that the buck was passed back and forth for years and it was all documented; and Council Member Khan stated that someone was doing work in the neighborhood the day before and there were two issues, the systematic problem where the line size was not adequate and then the work being done that day. Council Members Quan, Sekula-Gibbs, Green, and Berry absent.

Mr. Bobby Murski, who was previously added to the speakers list, appeared and stated that they lived in the same neighborhood in a home built in the 1960's and the apartments were

built in the late '60s or '70s; that he did not believe the line was the right size for the apartments to be added and the property was higher than their yards so they had storm water flooding them; that his mother spent \$2,400.00 for a pump system to pump the water to the front to go into the storm system; and their neighborhood was being destroyed. Council Members Edwards, Garcia, Quan, Sekula-Gibbs, Green, and Berry absent.

Council Member Khan moved to suspend the rules to allow Ms. June Murski to speak; and Mayor White stated hearing no objections she could proceed. Council Members Edwards, Garcia, Quan, Sekula-Gibbs, Green, and Berry absent.

Ms. June Murski appeared and stated that she thanked all for hearing them today and for their help; that this was becoming a health problem and she would not allow children to play with balls in the yard for fear they would be sick; and again thanked them for their assistance. Council Members Garcia, Quan, Sekula-Gibbs, Green, and Berry absent.

Mr. Andrew Peterson, who was previously added to the speakers list, appeared and stated that he was acting chairman of the Braeburn Valley Civic Association and present in support of those who had a problem for many years; that today city crews were working on the sewer lines and had sucked them out; that some covers they could not get into because they were bolted down, but in the one behind Ms. Mosley's house they pulled a sleeve pipe in the main pipe and at each opening it was to be cut off to allow what came into the manhole drop in, but instead they made a slit on top and today you could see it was bad but it was cleared and the supervisor said if they were all like this one they would be out to cut all open and install them properly so whoever the contractor was and who ever the inspector was shame on them; and he hoped that would correct the problems. Council Members Garcia, Quan, Sekula-Gibbs, Green, and Berry absent.

Mayor White stated that he would like a report from Mr. Norman on this and to confirm Mr. Peterson's statement on whether it was improper work done on a contract and who was the contractor and the last time work was done there and a comment on design; that there were a number of areas in town undersized, as Council Member Edwards pointed out, and that was why the budget for maintenance and restructuring were increased; that when it came to prioritizing the projects he had no problem saying neighborhoods which had it coming in their house came first and he would ask for a report from Legal on the issue of homeowners insurance; that this was a little different from the one Council Member Edwards mentioned in that if there was faulty work they may need to look at policy to deal with it and they could look at code requirements or the view of the water/sewer people on the grease traps. Council Members Garcia, Quan, Sekula-Gibbs, Green, and Berry absent.

Mr. Van Dequevedo, 3732 Thistlemont, Houston, Texas 77042 (713-729-3900) appeared and stated that he had been a park vendor for a number of years at Hermann Park and today was present asking for Council to consider the ramifications of the contract between the Hermann Park Conservancy and the City of Houston; that over the years the Conservancy had failed and was unwilling to negotiate contracts, to enforce dispute between vendors, etc., and HPC had undermined and usurped the authority of the park rangers or to live up to contract agreements; and his solution was to go back under management of the Parks and Recreation Department and to give the rangers back authority to enforce rules and regulations. Council Members Goldberg, Garcia, Quan, Sekula-Gibbs, Green, and Berry absent.

Council Member Khan stated that the small vendors did not have the wherewithal to fight the Herman Park Conservancy and he would like to see the possibility of it going back under the Parks Department. Council Members Goldberg, Garcia, Quan, Sekula-Gibbs, Green, and Berry absent.

Council Member Edwards stated that this issue was discussed as long as she was on Council that there were problems and challenges but the HPC had brought millions into the

parks; that she thought it was to go through committee for review and would like to know the status because when she was asked to turn it over to a committee she backed out of it; that she thought it was the Quality of Life Committee, but Council Member Holm thought it was Rules and Regulation and she wanted to know who was responsible for making it happen; and Mayor White stated that he and Council Member Alvarado could determine what committee and consultations with colleagues. Council Members Goldberg, Garcia, Quan and Green absent.

Mrs. Tina Dequevedo, 3732 Thistlemont, Houston, Texas 77042 (713-729-3900) appeared and stated that since the management of vendors shifted from Parks and Recreation to HPC in May 2002 they had experienced many problems with lack of management and problems mounted daily with nothing fixed and she was asking for someone on Council to meet with them so they could hear what their recommendations might be, they thought they had an equitable solution for all parties involved. Council Members Goldberg, Garcia, Quan and Green absent.

Upon questions by Council Member Berry, Ms. Dequevedo stated that she was a vendor and sold shaved ice; that another vendor was allowed twenty feet in front of her to sell a like item and when she brought it to the attention of Doreen Stoler it took two years before she took some action to rectify the situation; that if they had a concern under Parks it was immediately dealt with; that she had an E-mail asking to meet with Mr. Turner and each time he referred them back to HPC and they would not meet with them as a group and she also had correspondence to them with no response. Council Members Goldberg, Garcia, Quan and Green absent.

Council Member Edwards stated that they had meetings set up on an ongoing basis and the contract was with HPC; that she did not know why Ms. Stoler said she would not meet with them, but at this point thought it should have an objective process through committee, the transparency needed to be there and everyone could come; and she was willing to call Ms. Stoler and get everyone at the same table and then deal with it; and Mayor White stated that he thought the Quality of Life would be an appropriate committee unless other Council Members thought not and he thought it would be great to have a committee hearing; and upon questions, Council Member Holm stated that she welcomed the opportunity; that since last March no one knew who was doing what and she felt it would take care of specifics. Council Members Lawrence, Goldberg, Garcia, Quan and Green absent.

Ms. Juana Cheesman, 8907 N. Kitmore, Houston, Texas 77099 (281-568-6446) appeared, presented information and stated that she was one of the vendors and present on the same issue and they were asking for help with the Herman Park Conservancy. Council Members Lawrence, Goldberg, Garcia, Quan and Green absent.

Ms. Sylvia Crispin, 1 Crestwood, Houston, Texas 77007 (713-861-6275) appeared and stated that across from her home had been a forest but now there were 48 homes; and when it rained it flooded into their lot and much of their property was eroded now; that they were facing the bird sanctuary and there was a sinkhole and someone put a lot of dye trying to see where the sinkhole would exit but they did not see it; that at night she heard her house creak and she was afraid it was falling into the ravine. Council Members Lawrence, Goldberg, Edwards, Khan, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Mayor White stated that many places were experiencing flooding in the City; and upon questions by Mayor White, Ms. Crispin stated that they had the Mississippi in their backyard because the storm sewer put in when Ms. Ima Hogg's parking lot was built it caused them to have their own canyon and it was also washing away the bird sanctuary; that the land was like marshmallows; that when they put the dye in and drained water they could not find the problem; that Craig Irvin came out and said they needed a drain and that was what they had asked everyone for; and Mayor White stated that what he thought was going on was the whole drainage system for the street was under design, the water

was heading toward the bayou and it could go on the surface or through piping; that on neighborhoods under design he wondered if there could be mechanisms where a local drainage project could have petitions and have an assessment, put in big pipe and solve the problem for the neighborhood. Council Members Lawrence, Goldberg, Edwards, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Cheryl Raspino, 26 Rains Way, Houston, Texas 77007 (713-802-1462) appeared and stated that she was one of the board members for the Sanctuary Homeowners Association and was present regarding drainage; that Crestwood Drive was in the heart of the city and served 42 households and provided great revenue for the City of Houston with homes averaging more than \$1,000,000.00 and a couple over \$2,000,000.00, but because of lack of drainage a street was an eyesore and safety hazard; that they understood the street would be resurfaced but because of lack of adequate drainage it would soon be in disrepair; that the area needing immediate repair was at the end of Crestwood and to the north of the sanctuary; that during a major rain water was like a rushing river and the force had even knocked down a tree; that after pumping water for hours trying to resolve the sinkhole problem no solution was found and the ground was even more unstable and if not addressed they believed it would be a major problem with loss of property, loss of money, etc., the solution was simple there was a huge drainage system in the back of Crestwood, Glencove and Rains Way and a drainage basin should be put in across Crestwood laying about 150 feet of drainage pipe in a straight line to catch the water before it went onto private property and divert the water into the existing drainage system feeding into Buffalo Bayou. Mayor White, Council Members Lawrence, Goldberg, Edwards, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Holm stated that some in her office had spent a lot of time on the problem and understood what was going on and there were four issues on Crestwood with one being the drainage project, the sinkhole on the sanctuary, the water main breaks and the pot holes; that the street was under design but part of the problem was Crestwood was so narrow to rebuild it would take acquisition of right of way; that there was no simple solution, but it was to be evaluated and hopefully then all could understand where they were and what was happening with every situation. Mayor White, Council Members Lawrence, Goldberg, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that the situation described was not simple and her office would be happy to help. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Berti Barba, P. O. Box 99115, Houston, Texas 77261 (713-797-5201) appeared and stated that she was with the Freeway Pine Valley Civic Association and today they were present asking for their assistance of the problem regarding loud noises, weapons being discharged and police response to their complaints; that men urinated in the yards and beer bottles were thrown onto the property; that some neighbors had moved away and others had covered windows with plywood; that officers said the area was like a war zone and they were tired of officers saying they did not have the instruments to measure the noise and that they had to be witnesses and finally officers not coming out at all. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that her office worked closely with the civic association and she was disappointed last week when Captain Anderson was invited to come out and they were stood up; that he apologized and said he had forgotten, but there was a serious problem with noise there and she would appreciate someone sitting with Ms. Barba before she left and a response from Captain Anderson; that his participation at the next meeting would be gratefully appreciated. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia,

Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Theresa Wright, P. O. Box 99115, Houston, Texas 77261 (713-649-7545) appeared and stated that she wanted to thank Council Member Alvarado for being so interested and active in their neighborhood; that on April 23rd she called HPD and requested an officer come out on a disturbance, hours later she called again and the dispatcher said the officer had already been there, but no officer had come to her house; that later she called the Mykawa Station to see why an officer had not come and Sergeant Giles said he would call back but never did; and when she requested an officer to come out she wanted to know one would come. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that each time she spoke with an officer about noise control she received a different answer and she needed clarity on how they were to respond; and Mayor Pro Tem Alvarado stated that the law was there and it was a matter of education and enforcement. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that the noise pollution was a citywide problem and because of lack of enforcement there was very little respect for the ordinance; that he understood the police had the instruments to measure and he hoped the committee could look at it and see what could be done. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 ((202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Larry Schaefer, 4212 Mt. Vernon, Houston, Texas 77006 (713-522-7000) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mauren Haver, 402 Main, 9th Floor, Houston, Texas 77002 (713-225-1354) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mellownee McSpaten, 10414 Chesterfield Drive, Houston, Texas 77051 (no phone) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Arthur Renn, 21197 Lakeway Circle, Chandler, Texas 75758 (903-849-4279) appeared and stated that he had a situation which affected the entire City; that when it came to the Peace Treaty Richard Nixon signed in 1969 they came to him and cussed; and he would prefer Council to ask him questions. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Ruben Cantu, 1115 Avenue E, South Houston, Texas 77587 (281-639-7243)

appeared and stated that he was present to raise awareness of a safety hazard from last years July 4th celebration; that people parked in every lane of the highway and he was in traffic about one hour; that people discharged fireworks and firearms and children ran around on the freeway and he wanted to ask something be done so that would not happen this year. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado thanked Mr. Cantu for bringing it to Council's attention. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Ray Love, 10300 Sahdy Lane, Houston, Texas 77093 (713-742-5740) appeared and stated that he got out of prison a couple of years ago and his family was missing since then and he was considering suicide if he did not get his family and friends back. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that someone from Citizens Assistance would take his information. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Scott St. Arnold, 2600 Hamilton #21, Houston, Texas 77004 (713-928-3738) appeared and stated that he was an international union representative with ASCME and a year ago they were present with about 200 jailers as their position was being terminated and now there were rumors they were trying to head off before something happened and if it was true they were going to contract with another entity or whatever they wanted a hearing and discussions. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he remembered the situation; and upon questions, Mr. Arnold stated that about 200 lost their jobs and about 105 were found positions elsewhere in the City; that some retired and some found work elsewhere; that he heard the City was going to try and contract out the bailiffs; and Mayor Pro Tem Alvarado stated that there had been talk which began about five years ago of the City getting out of the jail business so eventually they would not operate a jail and the process had been underway at least five to six years and was discussed at every budget process and there had been a gap with Local 1550; and Mr. Arnold stated that they were going to close that gap. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Charles Luney, 2600 Hamilton #21, Houston, Texas 77004 (713-928-3738) appeared and stated that he was the new administrator for Local 1550 and he was glad Mayor Pro Tem Alvarado brought up the gap because it was his job to close it and bring professionalism to the Local; that he wanted to reiterate about the jailers, they would like the jailers who were laid off to be considered first; that whether it be the county or the city they should have the first shot as they already knew how to do the job. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

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

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

At 4:56 p.m. City Council recessed until 9:00 a.m., Wednesday, May 4, 2005. Council Member Carol M. Galloway absent due to death in family. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, May 4, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, May 4, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Deputy Agenda Director present. Council Member Carol Mims Galloway absent due to death in family.

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

At 9:22 a.m. Mayor White reconvened the meeting of the City Council and stated that the first order of business was the Monthly Financial Report. Council Members Goldberg and Wiseman absent.

MAYOR'S REPORT

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

Ms. Annise Parker, City Controller, stated that it was the Monthly Financial Report for the period ending March 31, 2005, that she would go over the Monthly Financial Report and then go into the Investment Report, that they were moving closer to the end of the Fiscal year and she was very pleased to report that the projected gap between the Controller's number and the administration's number had narrowed significantly, they were now under \$1 million in difference, about \$900,000, \$9.5 million less than their previous projections, the main reason, she believed, was that departmental spending had been well below the amended budget, she thought they were cautious about their budget as they were unsure the impact of the increased pension and the package of pay hikes they put in last year, as long as the department directors continued to be conservative with their spending they should finish the year in good shape, if

her numbers were correct they would not dip into Fund Balance and if Ms. Johnson's numbers were correct they actually could increase Fund Balance a little bit and that would be good for the City, at the end of the MOFAR Report they would find the SWAP Report for the quarter, they had extensive discussion on that at yesterday's Fiscal Affairs Committee meeting and they would be happy to meet with individual Council Members to walk them through how the SWAPs operate, that she wanted to thank Ms. Sue Bailey of her office for stepping up and making the presentation yesterday, the quarterly Investment Report had also been distributed to Council, as of March 31, 2005 the City had approximately \$1.9 billion invested in seven different investment pools, the largest pool was the General Pool with a balance of about \$1.8 billion, it was currently earning a yield of just under 3%, which was up from 2.6% last quarter, their remaining investment pools were for the most part dedicated construction funds, the largest of which was the Airport Construction Pool, which as of March 31, 2005 had a balance of approximately \$107 million, the rest were much smaller pools and in the future they were rolling some of the smaller investment pools together for ease of management, so the report would be shorter in the future, that the interest rates did go up yesterday to 3%, they expected that they would increase another 25 basis points by June 30, 2005 so they believed they would continue to see the gradual increase as they had experienced since last June, that it was good news for their investments because they were invested fairly short term and they were able to roll things forward to take advantage of increasing interest rates, but they did have a percentage of variable rate debt and they were affected on the other side by those increases, and that concluded her report. Council Members Goldberg and Wiseman absent.

Ms. Judy Gray Johnson, Director, Finance and Administration, stated that in reviewing the General Fund revenues overall their revenue estimate was down from last month, they were down about \$2 million, that was net of quite a number of different estimated changes, that it was not an unexpected change at this point in time, the good news was that while their revenue estimate was down a little bit their expenditure estimate was down more, so that savings and lower spending in the departments was more than offsetting the decline in revenues, that they did expect to end the year with a Fund Balance at least equal to what they started with and possibly better, there were some adjustments in the Convention and Entertainment Facilities Parking Revenues, that were asked about yesterday, what happened was that there were a couple of contracts in the Theater District Garages that had expired and the contracts were renegotiated and they were unable to get as much in the new contract as they had expected to get when they were making the projections before, so that was the main reason, they also had a little bit of decline in the Event Parking, that the after hours level of Event Parking was down from where they were last year. Council Members Goldberg and Wiseman absent.

After discussion by Mayor White and Members of Council, Council Member Ellis moved to accept the Monthly Financial Report and the Quarterly Investment Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Members Wiseman, Holm and Quan absent. MOTION 2005-0383 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 35, 39 and 45 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Holm absent. MOTION 2005-0384 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item Number 56 and 56a out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Holm absent. MOTION 2005-0385 ADOPTED.

Mayor White stated that Item No. 35 had been pulled from the agenda.

39. ORDINANCE appropriating \$37,233.65 out of Drainage Improvements Commercial Paper

Series F, reallocating \$370,766.35 from Contract No. 53794 and approving and authorizing engineering services contract including a provision for Compromise and Settlement of Pre-Contract Services between the City of Houston and **TURNER COLLIE & BRADEN, INC** for Evaluation of Localized Flooding in the White Oak Bayou Watershed, GFS M-1002-02-2 (SM5018) - **DISTRICTS A - LAWRENCE; B - GALLOWAY and H - GARCIA** – was presented.

Council Member Edwards stated that they were trying to work out a partnership with their committee and Public Works and really applauded the work that Mr. Krueger and Mr. Nelson had been doing but it was very essential for the committee to have an awareness of what was happening policy wise and ordinance wise and what they were putting on the ground, that she was going to tag the item because it was critical for them to have a partnership between the committee and Public Works so they could help move the items forward, if she could get someone to talk with her about the item before the end of the session she might be willing to remove the tag because she knew it was critical that they get the work done, but she could not continue to accept this type of process, that they had a committee meeting on Monday where they could have discussed the RCA and had all the questions asked and put it into the whole portfolio of what was happening in the City within the context of the committee but it was no there.

Mayor White stated that the item had been tagged and Mr. Norman was in the audience and thought that would be an appropriate request, that the committee ought to have some status reports of the drainage projects in the CIP that were prepared periodically so they would know, at least on a quarterly basis, what the status was on a going forward basis and if people could confer with the chair of the committee he would much appreciate it.

Council Member Lawrence stated that even last night the neighborhood she was talking with was very interested in flooding issues and she would like to really talk about the things the City was doing.

45. ORDINANCE appropriating \$3,895,632.92 out of Series E Commercial Paper Metro Projects Fund and \$398,591.13 from Water & Sewer Consolidated Construction Fund, awarding contract to **SOUTH COAST CONSTRUCTION, INC** for Chimney Rock Extension Project; GFS N-0665-01-3 (SB9380); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund and from the Water & Sewer Consolidated Construction Fund - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0448 ADOPTED.

56. Council Member Lawrence presented the following written motion to amend the proposed Ordinance amending Chapter 45 of the Code of Ordinance, Houston, Texas, relating to the operation of Mini motorbikes on Public Roadways and Parks:
“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 minimotorbikes 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.” – (TAGGED BY COUNCIL MEMBER HOLM) - was presented.

Council Member Khan stated that he agreed they needed some ordinance to control kids being in a dangerous situation driving these motorized vehicles, he just did not understand why they needed to regulate what adults were doing, that he would urge his colleagues to look into putting restrictions only on the children but not on people over 18 years old, that was what he would like to see.

Mayor White stated that perhaps the sponsor in due time could address that issue.

Council Member Sekula-Gibbs stated that she wanted to know if Council Member Khan was making a motion and stated yes and she seconded the motion.

Mayor White asked Council Member Khan to express his motion.

Council Member Khan stated that on both (a) and (b), on the first line of (a) if they remove the words “ride or operate, a “ and the same on (b).

Mayor White stated that he would render some assistance, that he would understand Council Member Khan motion to be (b) “a child younger than 18 years of age shall not ride or operate, a minimotorbike on any roadway, street, alley, sidewalk or park within the city limits, and on (b) a child younger than 18 years of age shall not ride or operate a neighborhood electric vehicle or a motor assisted scooter on any alley, sidewalk or city park within the City limits, and asked if Council Member Khan moved that Council Member Lawrence amendment be amended, and Council Member Khan stated yes, and Mayor White asked if Council Member Sekula-Gibbs seconded and she stated no as the amendment was not what she understood it to be and discussed vehicles used by disabled individuals.

Council Member Alvarado seconded Council Member Khan’s motion to amend Item No. 56.

After a lengthy discussion by Members of Council, Council Member Green moved to postpone Item No. 56, 56a and Council Member Khan motion to amend Item no. 56 for three weeks, seconded by Council Member Alvarado.

After further discussion by Council Members, Council Member Garcia stated that they would have a Public Safety Meeting on Monday, that they could discuss the issue, and Mayor White stated that they make sure that if there were interested parties that they have an adequate opportunity to appear and give consideration.

A vote was called on Council Member Green’s motion to postpone Item Numbers 56, 56a and the amendment to Item No. 56. All voting aye. nays none. Council Member Galloway absent due to death in family. Council Member Goldberg absent. MOTION 2005-0386 ADOPTED.

56a. **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 – **(This was Item 13 on Agenda of April 27, 2005, TAGGED BY COUNCIL MEMBER HOLM)** - was postponed for three weeks by Motion No. 2005-0386.

CONSENT AGENDA NUMBERS 1 through 53

MISCELLANEOUS - NUMBER 2

2. RECOMMENDATION from Chief of Police for Extension of Leave of Absence without pay for various employees assigned to the Houston Police Department - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0387 ADOPTED.

ACCEPT WORK - NUMBERS 3 through 5

3. RECOMMENDATION from Director Building Services Department to **AMEND MOTION #2005-3, 1/5/05, TO REFLECT** the correct final contract amount of \$1,040,999.00 on contract with **R. H. TONETTI CONSTRUCTION COMPANY** for Park Place Regional Branch Library Repair, GFS E-0127-01-3 03.804% over the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0388 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$708,843.36 and acceptance of work on contract with **LAUGHLIN ENVIRONMENTAL, INC** for Roark No. 2 Lift Station Rehabilitation and Roark No 4 Lift Station Diversion, GFS R-0267-A3-3 (4728-3) - 01.11% over the original contract amount - **DISTRICT F - KHAN** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0389 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,340,028.96 and acceptance of work on contract with **R. K. WHEATON, INC** for Construction of Water Line Replacement in Ridgecrest Subdivision, GFS S-0035-96-3 (WA10737) - 01.08% over the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0390 ADOPTED.

PROPERTY - NUMBERS 6 through 9

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the transfer of funds in the amount of \$96,455.00 from the Water & Sewer System Consolidated Construction Fund 755 to the Airport Revenue Fund 501 for the establishment of a waterline utility corridor, owned by the City of Houston, a Municipal corporation, for the **GREENSPPOINT WATERLINE EASEMENTS PROJECT from Aldine Westfield to Vickery Drive**, CIP S-0900-A1-3 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0391 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcels AY4-019, AY4-020, AY4-021, AY4-023 and CY4-013, located in the 1700 block of South Street, owned by the Tuffli Company, Inc., a California corporation, Don Tuffli, President, for the **MYRTLE LIFT STATION PROJECT**, CIP R-0267-60-3 - **DISTRICT H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0392 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KY4-037, located along the south line of Highway 6 and Grisby Road, owned by Katy Independent School District, Joe Kimmel, Board President, for the **IH-10 AT HIGHWAY 6 WATERLINE EASEMENTS PROJECT from Barkers Point Lane to**

Grisby Road, CIP S-0900-96-2 - \$122,980.00 - Enterprise Fund - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0393 ADOPTED.

9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KY4-148, located at 2644 Greens Road, owned by Jack A. Farr, Jr., Individually and Jack A. Farr, Jr., Trustee of the Jack A. Farr, Jr. Children's Trust; Eddie N. Farr, Individually and Eddie N. Farr, Trustee of the Eddie N. Farr Children's Trust, for the **GREENSPOINT WATERLINE EASEMENTS PROJECT from Aldine Westfield Road to Vickery Drive**, CIP S-0900-A1-3 \$40,686.00 - Enterprise Fund - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0394 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 15

12. **PARADYM SOLUTIONS** for Meter, Electromagnetic Flow Measuring Systems for Department of Public Works & Engineering - \$128,928.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0395 ADOPTED.
13. **TEXAS UNDERGROUND, INC** - \$350,000.00 and **KINLOCH EQUIPMENT & SUPPLY, INC** - \$299,600.00 for Sewer Cleaning Equipment Replacement Parts for Department of Public Works & Engineering - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0396 ADOPTED.
14. **J.A.M. EQUIPMENT SALES & SERVICES** for Lift System, Mobile, Electric Truck for the Solid Waste Management Department - \$25,975.00 - Solid Waste Consolidated Construction Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0397 ADOPTED.
15. **NORTH SHORE SUPPLY COMPANY, INC** for Pipe, Black and Galvanized Contract for Various Departments - \$132,178.30 - General and Enterprise Funds - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0398 ADOPTED.

ORDINANCES - NUMBERS 23 through 53

19. ORDINANCE authorizing the issuance of City of Houston, Texas Airport System Subordinate Lien Revenue Refunding Bonds, Series 2005A (AMT) and such other Series or Subseries as designated herein; authorizing the Mayor and City Controller to approve the amount, the interest rate, interest rate period, price, and terms thereof and certain other procedures and provisions relating thereto; providing for the payment thereof; authorizing the refunding and defeasance of certain Outstanding Airport System Bonds; approving the sale of the bonds and authorizing the execution and delivery of the Bond Purchase Agreement; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of Bond Insurance; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, a Tender Agent Agreement, a Remarketing Agreement, and a Standby Bond Purchase Agreement and other related and necessary

agreements pertaining to Variable Rate Demand and Auction Rate Obligations; and declaring an emergency - was pulled from the agenda by the administration and was not considered.

22. ORDINANCE approving and authorizing first amended Section 457 Eligible Deferred Compensation Plan for all City Employees - was pulled from the agenda by the administration and was not considered.
23. ORDINANCE amending Ordinance No. 2005-270, relating to the approval and authorization of the Strategic Partnership Agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 132** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0550 ADOPTED.
- 23a. ORDINANCE amending Ordinance No. 2005-271, relating to the annexation for limited purposes of a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 132**, in Harris County, Texas - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0551 ADOPTED.
30. ORDINANCE appropriating \$370,650.00 out of Airport System Consolidated 2001 AMT Construction Fund and awarding construction contract to **NORTHEAST NOISE ABATEMENT CORPORATION** for Greenbriar Townhomes Residential Sound Insulation near George Bush Intercontinental Airport/Houston, CIP A-0476, Project 617B; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by such fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0552 ADOPTED.
35. ORDINANCE approving and authorizing an interlocal agreement between the City, **FORT BEND TOLL ROAD AUTHORITY**, and **FORT BEND COUNTY** for the Reconstruction of Hillcroft Street from Beltway 8 to Fuqua and accepting \$275,000.00 from Fort Bend Toll Road Authority and \$100,000.00 from Fort Bend County and depositing such funds into the Harris County Construction Fund; GFS N-0792-01-2 (SB9206) - **DISTRICTS C - GOLDBERG and D - EDWARDS** - was pulled from the agenda by the administration and was not considered.
36. ORDINANCE approving and authorizing Treated Surface Water Supply Contract between the City of Houston and **BEAZER HOMES** on behalf of the proposed Harris County Municipal Utility District No. 420 - Revenue - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0553 ADOPTED.
37. ORDINANCE appropriating \$263,000.00 out of Water & Sewer System Consolidated Construction Fund and \$237,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **LP WOODLAND LAKES ESTATES, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Woodland Lakes Estates Subdivision; CIP S-0800-E3 and R-0800-E3 - **DISTRICT E- WISEMAN** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0554 ADOPTED.
38. ORDINANCE appropriating \$196,195.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable

Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **LP WOODLAND LAKES ESTATES, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Woodland Lakes Estates Subdivision; CIP S-0800-E4 and R-0800-E4 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0555 ADOPTED.

40. ORDINANCE appropriating \$50,468.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services with **EARTH TECH, INC** for Reconstruction of Brittmoore Road from IH 10 to Hammerly (approved by Ordinance No. 99-1020); providing funding for contingencies relating to design of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0556 ADOPTED.
41. ORDINANCE appropriating \$585,700.00 out of Street & Bridge Consolidated Construction Fund and \$373,000.00 out of 49M-Series E Commercial Paper Metro Project Fund and approving and authorizing professional engineering services contract between the City of Houston and **PATE ENGINEERS, INC** for Design of Monroe Road Paving Improvements from Fuqua to Beltway 8, GFS N-0711-01-2 (SB9200) and Mercury Drive Paving Improvements from IH-10 to Wallisville Road, GFS N-0625-01-2 (SB9199); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0557 ADOPTED.
44. ORDINANCE appropriating \$37,314.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to contract between the City of Houston and **CH2M HILL, INC** for Construction of the East Water Purification Plant; GFS S-0056-34-3 **DISTRICT E - WISEMAN** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
46. ORDINANCE appropriating \$2,982,514.61 out of Series E Commercial Paper Metro Projects Fund and the Water & Sewer Consolidated Construction Fund, awarding contract to **ACM CONTRACTORS, INC** for Chimney Rock Paving Project; GFS N-0737-01-3 (SB9044); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund and the Water & Sewer Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0558 ADOPTED.
47. 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-E3-3 (WW4235-27); 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 Galloway absent due to death in family. ORDINANCE 2005-0559 ADOPTED.
48. ORDINANCE appropriating \$2,185,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ALSAY INCORPORATED** for Rehabilitation of Existing Water Wells, GFS S-0200-15-3 (WA10562-4); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, construction management, 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 Galloway absent due to death in family. ORDINANCE 2005-0560 ADOPTED.

49. ORDINANCE granting to **ELITE WASTE INDUSTRIES, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0561 ADOPTED FIRST READING IN FULL.
50. ORDINANCE granting to **GULF COAST WASTE SERVICES, L.P., a Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0562 ADOPTED FIRST READING IN FULL.
53. ORDINANCE granting to **PSC INDUSTRIAL OUTSOURCING, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0563 ADOPTED FIRST READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from the Mayor's Office for approval of Articles of amendments to the Articles of Incorporation of the **HOUSTON PARKS BOARD** - was presented, moved by Council Member Khan, seconded by Council Member Holm. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0399 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. **TURF EQUIPMENT & SUPPLIES, INC** for Riding Mowers for Parks & Recreation Department \$243,980.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Berry stated that he was going to tag the item and hoped that did not affect Parks and Recreation, that he was concerned about the process and wanted to make sure that they understood what happened, that there was a bid put out for one lawnmower, the City awarded the contract based on the one lawnmower without City Council approval, the contract said that they could then ask them to provide any number of those if they would agree in writing, at that point, without City Council approval, they went to Turf Equipment and Supplies and asked them to supply 20 lawnmowers and drop the price \$1,000 per unit, that he had every reason to believe they got a great deal, however, what worried him was that the full contract was never put out for bid, only one unit was put out for bid so they were voting on a winner of one unit, whereas there might have been a very different response based on twenty units or maybe there would not have been, but he would feel much more comfortable putting his stamp

on it if he knew that twenty units had been bid, if there was a compelling reason why this was a better way to do business he would like to hear it, but it seemed to him, intentionally or inadvertently to be skirting City Council oversight, when he went out in the community he was asked why he voted for things and he wanted to be able to say because he got good information and it was thorough and he believed it was right, if somebody knew something that he did not know as to why this was a better way to do it he would sign off on it, that taxpayers needed to get the best deal but they also needed to understand what happened.

Mayor White stated that Mr. Wells would explain it and if there were further questions they could have discussion at the next Council meeting.

11. **R. B. EVERETT & COMPANY** for Asphalt Pavers for Department of Public Works & Engineering \$974,840.00 minus a commission fee (2% for Internet-based Reverse Auction Services) for a net award amount of \$955,343.20 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0400 ADOPTED.

ORDINANCES

16. ORDINANCE declaring the results of the City Charter Amendment Election held on November 2, 2004, pursuant to Section 9.005 (b) of the Texas Local Government Code - was presented, and tagged by Council Member Sekula-Gibbs. (Note: Council Member Sekula-Gibbs released her tag later in the meeting.)
17. ORDINANCE relating to the Aldine Community Improvement District; consenting to its creation; approving the issuance of the district's bonds for certain improvements; approving the plans and specifications of certain district improvements - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0564 ADOPTED.
18. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2004-1014 by adding one hundred forty-eight (148) Fire Fighter Positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0565 ADOPTED.
20. ORDINANCE authorizing publication of notice of intention to issue City of Houston, Texas Certificates of Obligation, Series 2005D, in a principal amount not to exceed \$60,000,000 for the purchase of materials, supplies, equipment, machinery, buildings, and land for authorized needs and purposes and for payment of contractual obligations for professional services in connection therewith; approving or declaring other matters incidental to the issuance and sale of such certificates; making various findings and provisions related thereto; and declaring an emergency - was presented, and tagged by Council Member Wiseman.
21. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** Titled Intergovernmental Agreement and special contract provisions for the City of Houston to receive payment for courses provided through the Regional Law Enforcement Training Contract for the Houston Police Department - \$31,197.00 Revenue - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0566 ADOPTED.
24. ORDINANCE appropriating \$670,000.00 out of General Improvements Consolidated Construction Fund (441); authorizing the purchase of land and improvements thereon out of the H. A. Cobb Survey, A-210, Houston, Harris County, Texas, as the site for a Public

Health Care Facility; CIP D-0113-01-1; approving a Purchase and Sale Agreement with the owner of the land (Metropolitan Transit Authority of Harris County, Texas) - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0567 ADOPTED.

25. ORDINANCE approving and authorizing contract between the City of Houston and **CLARENCE A. WEST**, Attorney at Law for Legal Services in connection with Access Line Fee Payments Verification Reviews of XO Communications, Time Warner Communications, Logix and Birch and other matters relating to right-of-way use conditions in the City of Houston - \$80,000.00 General Fund - was presented, and tagged by Council Members Wiseman and Lawrence.

Council Member Sekula-Gibbs stated that she would remove her tag on Item No. 16.

Mayor White stated the tag had been removed on Item No. 16 and asked the City Secretary to call Item No. 16.

16. ORDINANCE declaring the results of the City Charter Amendment Election held on November 2, 2004, pursuant to Section 9.005 (b) of the Texas Local Government Code - was again before Council.

Council Member Quan stated that it seemed the materials they been given had Propositions 1, 2 and 3 all listed exactly as they appeared on the ballot and the results thereof, he knew that Mr. Holtze came before Council yesterday complaining about the way they handled things but it seemed that everything that he had requested was in what was presented to Council, so was there something missing that they were not doing.

Mayor White stated that if they recalled before the Court of Appeals decision there was a written briefing by the City Attorney concerning what the procedural significance of the various matters, that absent a court order that clarified the affect of the declaration that the City had taken the position that they should not have a declaration so that it would be clear to bond rating agencies and all what a declaration meant, that the Court of Appeals provided that clarity saying that it was an administrative act and had no affect on the legal significance of that and that information had been transmitted to the bond rating agencies and he thought it should be something that was not controversial such as the fact that he thought they unanimously voted to put Proposition 2 on the ballot, as he recalled, even though there were many of them who voted against it when they walked into the voting booth, that they unanimously voted to certify the vote count, that because people got questions on it at various times, he thought the Legal Department and Council had done an excellent job in the ordinance stating some procedural facts, that it was a particular resource that encompassed a lot of the procedural history.

Council Member Wiseman stated that it was the Appellate Court's opinion that the process of adopting the amendments was part of the election process, they contended that whether or not the amendments were encompassed with one another was not for them to decide, in other words it was their duty to write the amendments into the City Charter because they had already been adopted by the voters, that what they were required to do was to certify to the Secretary of State that they were adopting these amendments, that they were engaged in litigation as to whether or not the amendments conflicted and the courts had made it very clear in their opinions that it was not the City Council's place to say that they were conflicting or not conflicting, they had a duty to adopt them whether or not they were conflicting with one another and they were supposed to certify to the Secretary of State and send a certified copy of the amendment adopted by the voters, that she asked yesterday exactly how would the language read in the Charter when it was written into the Charter, that she had the opportunity to meet with the City Attorney on Monday and it was shared with her that the language would be the language that was voted on, then yesterday she found out they were certifying to the Secretary of State that the election was held and it was passed and that was all there was, they did not

have to put it in writing and it was clearly in violation of what the court was ordering, and she asked Mr. Michel if it was still the intent of the administration to not amend the Charter and not write the amendments into the Charter.

Mr. Michel stated that the process by which the Charter got amended when they passed a new amendment was not really a legal issue, he thought the practice had usually been to at some point afterwards put the Charter that they had on the website and on the books to reflect what Council had passed but that was a policy issue and in most instances good policy would dictate that in an issue where they had a conflict between the courts a different policy may need to apply, the legal issue here, what the court did, the court looked at the issue as to whether there was a non discretionary duty imposed on government officials, what it did was look at the language of the statute and made a determination and ordered them to follow that specifically and that was what the ordinances were.

Council Member Wiseman stated that she would like to receive a copy of any Charter amendments that had passed and had never been written into the Charter.

A vote was called on Item No. 16. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0568 ADOPTED.

26. ORDINANCE approving and authorizing contract between the City and **SOUTHWESTERN BELL TELEPHONE, L.P.** for a Video Arraignment and Tele-Conference System for the Municipal Courts Department; providing a maximum contract amount - Not to exceed five years and six months - \$415,000.00 - Building Security Fund - was presented, and tagged by Council Member Wiseman.
27. ORDINANCE awarding contract to **SCOTT TECHNOLOGIES, INC., D/B/A SCOTT HEALTH & SAFETY** for Portable Thermal Imaging Cameras and associated accessories for the Houston Fire Department and the Houston Airport System; providing a maximum contract amount \$1,163,755.50 - Enterprise, Grant and Equipment Acquisition Consolidated Funds - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0569 ADOPTED.
28. 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 - \$3,450,000.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0570 ADOPTED.
29. ORDINANCE deappropriating \$11,990,000.00 out of Airports Improvement Fund appropriated under Ordinance 2004-1120 for Projects 566/566B (CIP A-0385); and appropriating \$2,811,000.00 out of Airport System Bonds 1998C NON-AMT Construction Fund and appropriating \$9,179,000.00 out of Airport System Bonds 2000B NON-AMT Construction Fund for Projects 566/566B between the City of Houston and **W. W. WEBBER, INC** for SMGCS/Civil Site Landing Work for Instrument Landing Systems (ILS) Category III and Airfield Pavement Rehabilitation at William P. Hobby Airport, CIP A-0385 - **DISTRICTS E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0571 ADOPTED.
31. ORDINANCE appropriating \$2,165,530.66 out of Fire Consolidated Construction Fund for Renovation and Reconstruction of various CIP Fire Department Facilities Projects; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - was presented. All voting aye. Nays none. Council

Member Galloway absent due to death in family. ORDINANCE 2005-0572 ADOPTED.

32. ORDINANCE appropriating \$70,000.00 out of PIB Petroleum Storage Tank Reimbursement Fund as an additional appropriation for Comprehensive Professional Environmental Consulting Services under Construction Contract with **GROUND TECHNOLOGY** (approved by Ordinance No. 2001-798); providing funding for contingencies relating to construction of facilities financed by the PIB Petroleum Storage Tank Reimbursement Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0573 ADOPTED.
33. ORDINANCE appropriating \$138,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Roofing Consultant Services Contract between the City of Houston and **MOISTURE CONTROL TECHNOLOGIES, INC** for Roof Replacement of the Bob Lanier Building, GFS R-0268-43-2 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0574 ADOPTED.
34. ORDINANCE amending Ordinance No. 2002-0809 to substitute a Revised Advanced Funding Agreement for the previously approved Advanced Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Keegans Bayou Trail (Approved by Ordinance No. 2002-0809), GFS N-0420-25-2 (SB9158-01) - **DISTRICTS C - GOLDBERG and F - KHAN** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0575 ADOPTED.
42. ORDINANCE appropriating \$616,000.00 out of Series E Commercial Paper Metro Project Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ZARINKELK ENGINEERING SERVICES, INC** for Design of Citywide Overlay Project; GFS N-1037-46-2 (OL2246); providing funding for contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Project Fund - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0576 ADOPTED.
43. ORDINANCE deappropriating \$87,202.02 from the Water & Sewer System Consolidated Construction Fund (for Professional Engineering Services Contract with **C/e CONSULTANTS, INC**; approved by Ordinance No. 2002-0233); and appropriating \$87,202.02 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ESOR CONSULTING ENGINEERS, INC** for Design of Water Line Replacement in the Houston Heights Subdivision; GFS S-0035-94-2 (WA10733); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0577 ADOPTED.
51. ORDINANCE granting to **MED-SHRED, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0578 ADOPTED FIRST READING IN FULL.
52. ORDINANCE granting to **M. SAUCEDO HAULING, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste

from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** - was presented.

Council Member Ellis stated that he would request that M. Saucedo Hauling pay up their delinquent City taxes.

A vote was called on Item No. 52. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0579 ADOPTED FIRST READING IN FULL.

NON CONSENT AGENDA - NUMBER 54

PROPERTY

54. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Joyce D. Owens, Owens Management Systems, on behalf of Tony Sazesh, (1) declining the acceptance of, rejecting, and refusing the dedication to the City of an alley, from Singer Street to Fairbanks-North Houston Road; (2) authorizing the abandonment and sale of an excess, fee-owned portion of West Tidwell Road right of way, consisting of the remainder of Lots 4 through 7; and (3) authorizing the abandonment and sale of a portion of the Reo Street right of way, adjacent to Lots 13 and 14, in exchange for the conveyance to the City of the entire Reo Street abandonment area as a utility easement, all located within Block 36, Third Subdivision of Fairbanks Suburban Townsite, Parcels SY5-051A, SY5-051B, SY5-055, VY5-010 and VY5-011 - **DISTRICT A – LAWRENCE** – was presented.

Council Member Lawrence named Mr. Gary Meyer and Ms. Sheila Stewart as appraisers and Mr. John Chambliss as alternate appraiser and moved approval of the recommendation, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0401 ADOPTED.

MATTERS HELD - NUMBERS 55 through 59A

55. MOTION by Council Member Khan/Seconded by Council Member Lawrence to adopt 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 - **(This was Item 3 on Agenda of April 27, 2005, TAGGED BY COUNCIL MEMBERS GALLOWAY and GREEN)** – was presented.

Council Member Garcia stated that he knew there were concerns raised by one of his colleagues but he had met with Mr. Dadoush on the matter and he was doing a tremendous job and for that reason he was in support of the item.

A vote was called on Item No. 55. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0402 ADOPTED.

57. 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 - **(This was Item 38 on Agenda of April 27, 2005, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0580 ADOPTED.
58. 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 - **(This was Item 40 on Agenda of April 27, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0581 ADOPTED.

59. Council Member Goldberg presented the following written motion to amend the proposed 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:

“Motion by Council Member Mark Goldberg that 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 then be renegotiated in good faith to serve the entire city on the basis of demonstrated community need.” - **(TAGGED BY COUNCIL MEMBERS GOLDBERG, WISEMAN, GALLOWAY, GREEN, LAWRENCE, ALVARADO, KHAN and EDWARDS)** - was presented.

Council Member Garcia stated that he would like to amend Item No. 59 to remove the words “in good faith”, seconded by Council Member Goldberg. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0403 MOTION TO AMEND CARRIED.

A vote was called on Item No. 59 as amended. All voting aye. Nays none. Council Member Galloway absent due to death in family. MOTION 2005-0403 ADOPTED AS AMENDED.

- 59a. 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 - (This was Item 53 on Agenda of April 27, 2005, TAGGED BY COUNCIL MEMBERS GOLDBERG, WISEMAN, GALLOWAY, GREEN, LAWRENCE, ALVARADO, KHAN and EDWARDS)** - was presented as amended. All voting aye. Nays none. Council Member Galloway absent due to death in family. ORDINANCE 2005-0582 PASSED FIRST READING IN FULL.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Green stated that on Monday he addressed the Seasoned Saints group at Mount Sinai Baptist Church in the Heights, that they met once a month and talked about issues that affect them and their neighborhood, that on Monday he was able to get information and give away's and wanted to thank Ms. Gloria Bingham, 311 Director, Ms. Charlene Jones, Health Department, Mr. Henry Onsay, Health Department, Mr. Jordy Tollett, Convention and Visitors Bureau, Mr. Russ Frank, METRO, Mr. Curtis Cooper, Area Agency on Aging, Mr. Mark Ramos, Houston Astros and Ms. Shermika Hudson, Houston Rockets, that the seniors were very appreciative of all the information they received. Council Members Lawrence, Holm and Ellis absent.

Council Member Green stated that on the minibike ordinance he asked if his colleagues had any questions to please let them know and if they could not come to the meeting to please send someone so they would know how to prepare for their questions. Council Member Lawrence absent.

Council Member Edwards stated that the Chocolate Bayou Festival Heritage Scholarship would be awarded in May 2005, they had approximately \$10,000 they were awarding to persons in the area and this was the last week they were accepting applications and if they had anyone

they would like to have entered for the scholarship to contact Ms. Savannah in her office this week. Council Member Lawrence absent.

Council Member Edwards stated that she had several issues that pertained to public safety, the Fire Department, they continually had people coming to City Council complaining about issues in the Fire Department and she would like to have a formal addressing of the issues in the Fire Department, the assessment center, she had never heard a discussion as to where it went from here, that she would like to see something process and policy wise that addressed the issues, that she would like to have either the Public Safety Committee or the Mayor to address the issue; the same issue regarding HPD and the tasers, that she had brought the issue up several times, that she was concerned that they got more press regarding the tasers out of complaints from people in the community than when they brought it up to City Council, she had asked for a reason why they could not have information regarding a study, that she would like to have an official position on what they were doing and what were their policies and who was being tasered and why and what were the effects of that; that the other issue was prostitution, that it was from Montrose to South Park to South Union to Sunnyside to Missouri City and it did not seem like they could address it, that she would like to see the policy regarding prostitution codified; that she was sure everyone had heard about the Greenpark Estates issue and the burglaries happening out in the South Main area, she wanted to compliment the citizens of that community and also Captain Williams, who had worked very hard trying to develop a plan of action for that, that there would be a meeting on May 17, 2005 at the Power Center at 6:00 p.m. to address the issue further, they had not been able to get the home owners association to meet with them regarding their responsibility, that they had a real role to play in it and they could step up and provide security during the day, that it was a large Hispanic and immigrant community, that they tried to call the homeowners association and they had not called back so she asked publicly for their office to give her a call so they could get it moving forward, that she wanted to thank Council Member Garcia for agreeing to join them in the meeting to have some type of bilingual interpretation; that they had a complaint of a helicopter landing in a residential area for three years without a permit, that she wanted to thank the permitting department for getting on top of it but they were issued a 10 day temporary permit but it bothered her because they had been landing illegally for three years and they knew it and now to subject the community to 10 more days was something she would not have approved of, but she would hope once Mr. Belay was able to get all the stuff under wraps that they would have a tighter system that would not put the residents in danger. Council Member Lawrence absent.

Council Member Edwards stated that on Saturday they would have a townhall meeting to talk about how to get the community more involved with the Houston Hope Projects that were going on in District D, and also the issue of gang violence in their schools. Council Member Lawrence absent.

Council Member Edwards stated that she wanted to let Public Works know that she personally thought they were the best friend the City had and nothing else worked if the roads did not work, that she thought they had a top notch group. Council Member Lawrence absent.

Council Member Edwards stated that they were excited about the charge the Mayor had given the Flooding Committee, that she did not know if they could fix it but one of the ways they start getting on the road of dealing with solutions for draining and flooding was to have communications and back and forth dialog so she wanted to thank Mr. Marcotte, Mr. Krueger, Mr. Nelson and Mr. Norman, they had worked very strongly along with them. Council Members Lawrence and Sekula-Gibbs absent.

Mayor White stated that Council Member Edwards asked questions and he would get back with her, that as to the Fire Department he anticipated that there would an opportunity in the next several weeks with the Public Safety Committee that they would review several things. Council Members Lawrence and Sekula-Gibbs absent.

Council Member Garcia stated that the Public Safety and Homeland Security meeting would be held on Monday at 10:00 a.m. in Council Chamber and would encourage everyone to be present. Mayor White and Council Members Lawrence, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he wanted to recognize Ms. Bessie Stratton, the Super Neighborhood Council president for the Washington Memorial area, that she was in the hospital undergoing some tests, that he wanted to let her know they were thinking about her, that she was always looking out for the neighborhoods. Mayor White and Council Members Lawrence, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he wanted to wish to all the mothers in the City and the region a Happy Mothers Day. Mayor White and Council Members Lawrence and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that the Cinco de Mayo Parade was on Saturday and would encourage everyone to come out, that there was also going to be a celebration at Carnegie Library on Thursday. Council Member Lawrence absent.

Council Member Garcia stated that he wanted to wish James Rodriguez and Jose Soto a Happy Birthday. Council Member Lawrence absent.

Council Member Garcia stated that he wanted to thank the administration, particularly Ms. Susan Christian and all the folks with the Office of Special Events regarding the Veterans Memorial Park, that on Memorial Day there would be an event held at the Veterans Memorial Park, an overall celebration to recognize and remember the veterans. Council Members Lawrence and Edwards absent.

Council Member Holm stated that she wanted to recognize and thank Mr. Milton Wilson who had come on board in a very challenging capacity, that he had taken on the problems and addressed them and acknowledged the problems and what they were going to have to do to correct them. Council Members Lawrence and Edwards absent.

Council Member Holm stated that in District G on Tuesday they had their first community meeting for the construction of Looscan Library, that on the website and in the area were some surveys that they encouraged everyone to pickup and use. Council Members Lawrence absent.

Council Member Holm stated that on the Kendall Library they were in the last stages of reviewing their options and where they were going and there should be some decision coming forward soon. Council Member Lawrence absent.

Mayor White stated that Mr. Wilson was a very good public servant who tried to be very responsive, clear and direct. Council Member Lawrence absent.

Council Member Alvarado stated that she wanted to thank Chief Hurtt, Captain York and Assistant Chief Danny Perales for attending a neighborhood tour in the Fourth Ward area last week, they had some severe problems with criminal drug activity in the community, they went out there and walked the streets and talked with some of the neighbors, that there was some progress being made and she wanted to thank them for spending quite a bit of their afternoon in the community. Council Member Lawrence absent.

Council Member Alvarado stated that she wanted to thank Sergeant Russell Hoffart who met with her and a group of folks from the southeast community yesterday, they had a church in the Park Place Community that was trying to help out with some homeless issues by providing meals and while that was a good thing they preferred that they offer a structured program and environment, such as SEARCH and so what they had coming to a head was a conflict between

the church and the community, that the community had some very legitimate concerns about the homeless either on their way to the facility or leaving the facility, there was burglary and theft that had gone up in the community, people urinating in people's yards and aggressive panhandling, the officers in the area were spending at least four hours of their day on dealing with the homeless problem and they were urging Park Place Methodist Church to allow SEARCH to come in and take over their program. Council Member Lawrence absent.

Council Member Alvarado stated that she also wanted to thank Mr. Wilson for attending a meeting with her and Council Member Garcia and some leaders in the Hispanic Community in addressing some of the concerns they had. Council Member Lawrence absent.

Council Member Alvarado stated that she wanted to wish a Happy Birthday to Jose Soto and James Rodriguez. Council Member Lawrence absent.

Council Member Sekula-Gibbs stated that she wanted to thank all of the mothers in the world and wishing them a Happy Mothers Day, that on Mothers Day there would be a walk called the "Why-Me National Breast Cancer Organization Walk to Empower" and would be working to raise funds to sponsor and inform and empower women who developed breast cancer, that anybody that was interested they could come out and walk with them at McGregor Park near the University of Houston Campus, that they would register at 8:00 a.m. and start the walk at 9:00 a.m., that they could get more information at www.why-me.org or contact her office, that there was a hotline in English at 1-800-221-2141 and in Spanish 1-800-986-9505. Council Members Lawrence and Green absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate Council Member Khan and Ms. Elena Marks for the work that had been done in the Alief area, a very positive move to build a collaborative clinic with the Harris County Hospital District had been undertaken, that it was approved today on Council and 12 acres had been approved to be purchased on Boone Road and it was something that the Super Neighborhood had been working towards for a very long time. Council Members Lawrence, Alvarado and Green absent.

Mayor White stated that he had dealt with Commissioner Raddick on this quite frequently and there was still a lot to do so he did not want to create expectations and neither did he about a specific time table, that he would like for people to be pleasantly surprised when they performed rather than be disappointed if things did not come together, that the conception and design of it, some of the heavy lifting for the funding, 100% of the credit would be the Harris County Hospital District and Commissioner Raddick and zero per cent of the credit would be the City of Houston, that he thought they had to give credit where credit was due. Council Members Lawrence, Alvarado and Green absent.

Council Member Khan stated that yesterday there were public speakers talking about noise pollution, they had several complaints from constituents in his district, there seemed to be a lot of problems in many parts of town, definitely in District F, that for lack of resources they were not enforcing the ordinance for noise pollution and it was happening all times of day, cars with big speakers and blasting off in neighborhoods, that people were playing music late at night and disturbing people, especially their elders, that he would request that something be done to enforce the ordinance related to noise pollution. Council Members Lawrence and Green absent.

Council Member Khan stated that Council Member Edwards brought up an issue that a lot of them had been talking about, prostitution, that he wanted to commend the Police Chief, that he had taken the issue seriously and there had been several vice operations going on, but it just moved the people from one part to another part and they just went a couple of streets down, that not only was it a nuisance but it was a health hazard, that he wanted for them to put an emphasis on the problem. Council Members Lawrence and Green absent.

Council Member Khan stated that they were organizing a health fair at Sharpstown Mall, that it would be on women's health issues, on Saturday, May 14, 2005 and hoped a lot of people would come and take advantage of all the material they were going to share. Council Members Lawrence and Green absent.

Council Member Khan stated that the Cricket Match would be in Houston on June 18, 2005 and wanted to thank Council Member Quan, that he was very much involved and also the Houston Sports Authority and Oliver Luck and his group had been very helpful, that Council Member Garcia was working to bring soccer to Houston and they could team up and bring soccer and cricket and make a great use of the Astrodome and looked forward to working with Council Member Garcia so they could bring those sports venues to Houston. Council Members Lawrence, Sekula-Gibbs and Green absent.

Council Member Khan stated that the OTC Conference was going on and he was there with the delegation of Abu Dabi, that Mayor White appointed a task force with Arthur Schechter and the task force work was bringing a lot of good results, there had been close cooperation with the task force and the Houston Border Patrol officials, that he wanted to thank the Mayor for the task force and wanted to thank Ambassador Schechter and all his colleagues that it was really bringing good results and people were very happy coming to Houston, that he wanted to thank Saba Abashawl and Jordy Tollet and everyone who was instrumental in making people feel welcome in Houston during the OTC Conference, and Mayor White stated that Mr. Mancuso at the Airport really deserved a lot of credit, and Council Member Khan stated that all of it was done without having an iota of compromise to security, that everybody worked together to find some common sense solution. Council Members Lawrence, Goldberg, Sekula-Gibbs and Green absent.

Mayor White stated that one of the good things about the OTC and what they did, and Mr. Hall had been very familiar with, was to do an assessment after the OTC and say what part of the procedures did they want to keep after the OTC, and Mr. Hall stated that they had a team that had done a spectacular job and the report he got late yesterday suggested they had been successful at literally turning around 180% some of the issues and problems they had. Council Members Lawrence, Goldberg, Sekula-Gibbs and Green absent.

Council Member Quan stated that having served on the committee, the fact that the Mayor had raised it to a high level had made a difference, that when talking to the officials the initial reaction was being very defensive when they first talked to them but he thought they had made an impression and Ambassador Schechter would continue to follow up, that they had a survey that was being completed by several people to give them more feedback on how they could improve. Council Members Lawrence, Alvarado, Sekula-Gibbs and Green absent.

Council Member Quan stated that May was Older Americans Month and they would be having their Fifth Annual Senior Expo and Summit tomorrow, that Gloria and Bill White would be among their honorary chairs and were proud to have the Mayor's mother and father as well as his mother and father as honorary chairs and invited all of the Council Members to attend, that it was from 9:00 a.m. to 1:00 p.m., that the Area Agency for Aging and AARP would be there, that Texas Health Springs had been a big contributor and he wanted to acknowledge them. Council Members Lawrence, Alvarado, Sekula-Gibbs and Green absent.

Council Member Quan stated that on Saturday they were having the Dragon Boat Festivals at Allens Landing, it was a great festival. Council Members Lawrence, Edwards, Alvarado, Sekula-Gibbs and Green absent.

Council Member Quan stated that May was also Asian American Heritage Month and they would be starting the festivities with a kickoff reception at the Chase Bank Building on Monday afternoon; that Houston had been selected for a national conference dealing with the state of Asian Americans and a group would be having a panel discussion about the impact of the Asian

Community upon Houston. Council Members Lawrence, Alvarado, Sekula-Gibbs and Green absent.

Council Member Quan stated that Mr. Hall represented the City well last night at the World Energy Cities Partnership reception, that he did a great job as they welcomed 9 or 10 Mayors of other major energy cities in the world to Houston and Houston had been selected as the permanent Secretariat for the World Energy Cities Partnership and thought that was quite an honor for the City to be recognized in that way. Council Members Lawrence, Alvarado, Sekula-Gibbs and Green absent.

Council Member Quan stated that the Greater Houston Partnership had received the Export Excellence Award for their work in promoting trade through Houston. Council Members Lawrence, Alvarado, Sekula-Gibbs and Green absent.

Council Member Quan stated that he wanted to join everyone in congratulating Mr. Milton Wilson, they had their Consolidated Plan meeting last Thursday night and was one of the most orderly meetings and the most responsive meetings by the department, that a number of people signed up to speak about issues that they cared about greatly and Mr. Wilson professionally address each of those speakers to see how the department could be responsive to some of their needs. Council Members Lawrence, Alvarado, Sekula-Gibbs and Green absent.

Council Member Ellis stated that he wanted to agree with the Mayor's comments about Harris County and the Interlocal Government Agreement about the proposed health care facility in the Alief area, that he had the opportunity to work with Commissioner Raddick on Interlocal Government Agreements and he was a great elected official to work with. Council Members Lawrence, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Ellis stated that yesterday they had some public speakers and thought they started to realize, not only from a maintenance and operation standpoint, but the ladies that came before them and started talking about sewage spewing up into their homes, but what he heard and read he would believe there was some faulty sewage lines out there and would request that the Mayor would look at some way to set aside an emergency fund, that he thought it was something they might think about. Council Members Lawrence, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Ellis stated that last week he was at the Houston Contractor Association Luncheon and was glad to hear that demolition day was coming back and that the Houston Contractor Association was going to work with the City, Houston Police Department and Neighborhood Protection to go in on May 14 and May 21, 2005 and each day tear down 40 houses, that was their goal, that he commended the administration for working with the Houston Contractor Association. Council Members Lawrence, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Ellis stated that Terrance Fontaine, Carolyn Lacey and other individuals though out the City were working on a Fleet Vehicle Assessment form, that it was something that a lot of the Council Members had been requesting as an evaluation of their fleet, that a lot of times the request was just to look at take home vehicles and he thought they had taken it a lot further because they were looking at opportunities for inter departmental exchange of vehicles, opportunities to decrease the number of take home vehicles in the fleet, opportunities to decrease vehicle fleet through use of vehicle pools and efficient use of vehicle fleet, that he thought it would be a comprehensive assessment and was looking forward to the information that was brought back to the administration and to Council and also wanted to make sure they were sensitive to the Police and Fire Departments with regard to their take home vehicles. Council Members Lawrence, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Ellis stated that he hoped the Rockets would win so they would not have

to look at Mayor White in a Dallas Maverick tee shirt. Council Members Lawrence, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Ellis stated that he wanted to wish a Happy Mothers Day to all the mothers in the community. Council Members Lawrence, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Goldberg stated that a news story last night on Channel 2 had to do with the valet parkers and there was a video tape of the valet drivers actually stealing money and looking through people's private and personal effects and glove compartments and so forth, that twice he had been a victim, that they had stolen a credit card and used it and had stolen cash, that the story made him angry, that in the story Steve Raddick said they were going to do something about it and minutes later they discontinued the valet parking service in front of the courthouse and he thought they could act fast also and needed to, he had looked into the ordinance, Chapter 46-391, that all it said was that there had to be a background check on the principles and thought they needed to amend it to have a background check on the parkers and they needed to toughen it up, if they got caught once and were prosecuted successfully and pleaded guilty or no contest that was it, they were out and not parking any more cars for valet companies, and if it happened three times with one company he thought that company needed to be out, that he thought it went on a lot more than they suspected and he thought they needed to put an end to it. Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that on Channel 11 there was a report about how dangerous it was for children to walk on the streets, that the report said that one time a day a child was hit by a car and once a month a child was killed, that they needed to look at what areas it was happening, and if sidewalks needed to be built they needed to look at that because there were a lot of dangerous areas and a lot of dangerous crosswalks and one child a day being hit by a car was inexcusable. Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that this month the C-3 Cleanup was going to be in District C and if anyone was interested in getting involved and helping in District C they had a couple of areas, that they could call his office and ask for Lindsey. Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that as to the OTC he was fortunate to represent the City at a couple of functions and was very well prepared on the countries and people he was dealing with, the background history, and he wanted to thank two people from the protocol office, Diana Laflore and Alma Maldonado who did an excellent job, that they were outstanding and deserved a lot of credit because OTC was very important to Houston, it was a convention that came every year and they could rely on it and they never wanted to take OTC for granted. Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to address the issue of the certification of the adoption of the propositions, that she certainly hoped that no one was intending to make light of what their duties and responsibilities were under the law and which had been very effectively pointed out to them by the courts, that she wanted to point out what was very clearly pointed out in the opinion of the court, it was not their duty, responsibility or right to determine whether or not an amendment was effective or ineffective and in fact as far as being effective they made it very clear that it was part of the election process, so they now had to very seriously begin the process of making those amendments effective, all three of them, as they were ordered to by the courts. Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she would have a community coffee at Stevens Middle School, at 9595 Winkler, from 7:00 p.m. to 9:00 p.m., representatives from various departments would be in attendance, that it was an opportunity to visit in a more relaxed and social setting with their constituents and provide them an opportunity to address to them any concerns or issues they may have or simply say hello, that they had them on a regular basis throughout the community. Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that yesterday they had a tour of Ellington with Senator Cornyn, who had pledged his support for retaining the 147th Fighter Wing at Ellington Field, that the BRAC decision would be released on May 16, 2005 and they were all anticipating that and very hopeful that Ellington Field would not make that list. Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to thank the Health Department, BARK, that last week she brought up the issue of the cat house on Sagemont, where they had up to 30 cats in the house, that she was pleased with the response from the City's Health Department, they had taken traps out to the house and removed dozens of cats and would continue until they were all gone. Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he had an update, the Mayor of Dallas called him, that they had four members on the Calendar Committee from this region, excellent representatives of their districts, Chairman Woolley, Representatives Turner, Callegari and Van Arsdale, that the Calendar Committee of the House would be making a decision whether to bring up a bill concerning telecommunications, which principally the bill addresses issues involving municipalities and the municipalities of this City, with the possible exception of San Antonio, whose largest employer had a view on the matter, Southwestern Bell, but all the other cities were unanimous about two of the provisions, that he would just mention those to them because all of them, for members, even if there was one member that they communicated about and to his colleagues based on the time that he would accurately represent what he would tell them here, that one provision strips municipal governments of the ability to license the terms and conditions on which cable company's can use the City's streets and public right-of-ways, it strips the City of the ability to define the terms and conditions on which cable companies could use the property that they owned, often paid for dearly through eminent domain, so he was sure that if any of them wanted to use the property of a cable company they would have something to say about that, the cable companies did not want this, they are opposed to taking away this authority from the City and Southwestern Bell was pushing it because they wanted the ability to avoid franchises for providing a similar wired video service and they thought that the cable companies would prevail in the argument that it was not a level playing field, that he had never heard a single public interest reason for this other than the argument by Southwestern Bell that the City would be to burdensome and difficult to deal with if they had to negotiate with them the terms and conditions on which they used the public property, another provision of the bill would restrict the City of the ability to provide deadlines for the relocation of the telecom utilities and it would be nice to be able to have an agreement where nobody had a deadline for moving anything, the City's people were sick and tired of that when the streets were torn up, that he had never heard any argument against a deadline for moving a utility on the merits and that was certainly contrary to the ordinance they passed, that he might add that if Southwestern Bell was correct and they just had no legal authority to do what they did then he did not know why they would need a State law passed on this particular issue, so these issues were coming to a head in the Legislature and he would guarantee that they did not have as many lobbyists up there as Southwestern Bell did, and so that his colleagues would be some of their best and effective representatives of the public on those issues. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:04 p.m.

Council Member Galloway absent due to death in family. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary