

City Council Chamber, City Hall, Tuesday, April 13, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 13, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer; Mr. Arturo Michel, City Attorney; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present.

At 1:42 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Edwards. Council Member Edwards stated that it was an honor to recognize the efforts of young people and today she had nine from District D along with their teacher, Ms. Elain Carroll, and invited them to the podium. Council Member Edwards stated that nine students with Yates High School would be going to the state finals in the History Fair and presented Certificates to Miss Antonette Locket, Miss Ashley Beall, Ms. Felicia Hayes, Ms. Joycelyn Allen, Mr. Marlon White, McKinley Griffin and Miss Andrea Henson for their academic achievements and first place placement. Ms. Carroll stated the children were being recognized for their academic achievement, but all were also athletic and three were not present as they were competing in a track meet; and thanked them for the acknowledgment. Council Member Sekula-Gibbs absent.

Council Member Green stated that today he was honoring the Barbara Jordan Circle of Love Scholarship Foundation Ambassador Program and invited all with that program to the podium. Council Member Green stated that it was under the directorship of Ms. Thelma Scott who founded the program in 2000 to provide scholarships and financial aid for college bound students with disabilities; that this year the Ambassador Program selected two ambassadors Miss Christina Wynn and Mr. Tryan Mayre and presented a Proclamation to them expressing best wishes and continued success and proclaimed Tuesday, April 13, 2004, as "Barbara Jordan Endeavor Circle of Love Scholarship Foundation Day", in Houston Texas. Ms. Norma Hines, director of Endeavors Foundation of the Barbara Jordan Program, stated that the program was established as liaison between colleges, high schools and the City to keep the community informed of programs and events which helped students with disabilities. Ms. Rosemary McGowen, sister to the late Barbara Jordan, introduced the first recipients of the Barbara Jordan Ambassadors for the Endeavors Foundation, Miss Christina Wynn and Mr. Troy Mayre, and stated they would be representing the foundation at community functions showing students with disabilities the importance of perseverance. Miss Wynn stated that she attended the U of H and had scoliosis and was honored to be one of the first recipients of the award and would represent it with great pride and perseverance. Mr. Mayre stated that he was a graduate of the U of H Downtown and honored to be one of the first recipients of the foundation award and it was his duty and intent to carry out those duties discharged to him to fulfill his duties to the program. Council Member Holm absent.

Council Member Khan stated that Houston was an international city and every year they received many dignitaries; that today was a great day with a special visitor from Nigeria, the Governor Mr. Mallam Ibrahim Shekarau; he introduced all members of his entourage and asked them to stand to be recognized and invited Governor Mallam Shekarau to the podium. Council Member Khan asked Mayor White to present him with a token of appreciation from the City of Houston; and Mayor White stated that the City of Houston was blessed to have one of the most vibrant Nigerian American communities in the whole country and it was an honor to welcome him. Governor Shekarau stated that it was a pleasure to be present and, thanked the Mayor and Council Members for receiving them and stated that their stay in Houston was memorable, historic and enjoyable and they were warmly received; and he had enjoyed discussing many topics with students and learned much from experts of the City and brought greetings from his state and government. Council Members Holm and Green absent.

Council Member Quan stated that this was the beginning of Community Development Block Grant Week in the City of Houston and there were a number of activities going on in the community and invited Ms. Daisey Stiner to the podium. Mayor White stated that he was excited about what was happening regarding the grants; that the City of Houston was joining other cities in commemorating the 30th Anniversary of CDBG; and presented a Proclamation to Ms. Stiner proclaiming April 12 – 16, 2004 as “National Community Development Week” in Houston, Texas. Ms. Stiner thanked the Mayor and Council for their support and invited all to the festivities and events throughout the community.

Council Member Goldberg invited Ms. Mary Verges, president of the HUD Committee for the Daughters of Penelope and those with her to the podium and stated that the Daughters of Penelope was the ladies division of the Order of AHEPA, the largest Greek fraternal organization in the United States; and invited Ms. Verges to speak to Council. Ms. Verges stated that with her were committee members Ms. Mary Lymberry, vice president; Ms. Delores Pappas, secretary; Ms. Marie Harris, treasurer and Ms. Vangie Barrow and Ms. Sharon Papadopoulos the directors and they were present asking support of their endeavor which was construction of a low-income building for the elderly under the HUD 202 program; that the need for elderly housing in Houston was critical and they were applying as co-sponsors with the Order of AHEPA and in preparation of the application they must have the support of the City service organizations which would service the residents of the building; that they would incur the initial expenses for the completion of the application, survey, etc., and would appreciate the City’s consideration regarding property taxes and expenses such as impact fees and start-up fees. Council Member Wiseman absent.

At 2:13 p.m. Mayor White called the meeting to order and Council Member Galloway led all in the prayer and in the pledge of allegiance. Council Member Wiseman absent.

At 2:14 p.m. the City Secretary called the roll. Council Member Wiseman absent.

Council Members Galloway and Ellis moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Wiseman absent. MOTION ADOPTED.

Council Member Alvarado moved that the rules be suspended for the purpose of adding Mr. Terry Briggs to the speakers list for three minutes after Ms. Kathy Yambra, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2004-0355 ADOPTED.

Ms. Darnell Moore, 6506 Lock Gate, Spring, Texas 77388 (281-353-0996) appeared and spoke in favor of Agenda Item 38, stating that she was the wife of a locomotive engineer and president of GAI251 which was an auxiliary comprised of family members of locomotive engineers and on behalf of all urged Council to pass the resolution. Council Members Galloway, Wiseman, Sekula-Gibbs and Berry absent.

Mr. Jack Huddleston, 120 Dawns Edge, Montgomery, Texas 77356 (713-501-3604) appeared and spoke against Agenda Item 38, stating that he was manager of operating practices with the Union Pacific Railroad and had been a locomotive engineer for 10 years and currently responsible for implementing the remote control in the Houston service unit; displayed the equipment and discussed its technology. Council Members Galloway, Sekula-Gibbs and Berry absent.

Council Member Khan moved that the rules be suspended for the purpose of extending time for Mr. Jack Huddleston to speak, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0356 ADOPTED.

Mr. Jack Huddleston further stated that the same rules were applied to the remote control as with a locomotive engineer and the FRA was in training classes numerous times and gave good grades to them each time; that injuries rates for 2003 dropped 81% and he believed remote control was a big part of it. Council Members Galloway, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Ellis, Mr. Huddleston stated that he believed they were going to remote control because it was safer; that he believed the opposition was because of labor agreements between the trainmen, UTU and BLE, the Brotherhood of Locomotive Engineers and the teamsters as one got the agreement to run the remote control and the other did not; that the remote control was used in the yards, but they did transfer trains from yard to yard though it was a close distance. Council Members Galloway and Sekula-Gibbs absent.

Council Member Quan moved that the rules be suspended for the purpose of continuing questions of Mr. Jack Huddleston, seconded by Council Member Khan. All voting aye. Nays none. Council Members Galloway, Garcia and Sekula-Gibbs. MOTION 2004-0357 ADOPTED.

Mr. Huddleston further stated that on the factor for accidents was miscommunication, two men in the yard, with remote control the man was at the point of movement and controlling it and there were no mistakes on the radio. Council Members Galloway, Garcia and Sekula-Gibbs.

Upon questions by Council Member Quan, Mr. Huddleston stated that there were two men on the job versus three they had gone remote control on, there were no job losses and they had the same number of employees plus they were training and hiring at this time; that one man controlled the train at a time, if you had to go 50 cars down a man could pitch to the other employee and then he would take over and control the movement; that if you had no repeater that the signal sent from the transmitter to receiver the range would be about 1,000 feet and then it would stop automatically and that was a part of the failsafe. Council Members Galloway and Sekula-Gibbs.

Upon questions by Council Member Goldberg Mr. Huddleston stated that a rail switching yard was where switching operations were done. Council Member Goldberg stated that he was told the definition was it extended 30 miles outside the rail yard; and upon questions, Mr. Huddleston stated that different yards were in different hubs so they may have over 30 miles but not for one yard; that it was possible a yard would extend over a street or bridge, but the locomotive would go over with someone on it protecting that point. Council Member Goldberg stated that the resolution was asking the FRA to prohibit use of remote control locomotives on streets, highways and thoroughfares; and upon questions, Mr. Huddleston stated that he would say it would not be on them; that the yards inside had crossings throughout for employees to get to different places in the yard; that other yards were being implemented and a few roads did go through the yard; that most accidents were on conventional jobs not remote control. Council Member Galloway absent.

Upon questions by Council Member Alvarado, Mr. Huddleston stated that the remote controls currently in operation in Houston could go forever with a man on the engine as the loss of signal was between the signal and the box, but if you were sending a locomotive you could go at least 100 car links, maybe 4,500 feet or so with a transmitter repeater; that Union Pacific had utilized remote control about two years; that he did not know how many rail crossings remote control trains crossed. Council Member Alvarado stated that she had photos from March 10th in Arlington, Texas, where a remote control train had an accident; and upon questions, Mr. Huddleston stated that he could look at the pictures, but he was not familiar with that incident. Council Member Alvarado stated that she felt better with a human in control; that it was a public safety and quality of life issue; and Mr. Huddleston stated that he understood, but someone would be on the train with the box and in control. Council Member Alvarado stated that she would also like the number of accidents on conventional versus remote control. Council Member Galloway absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Huddleston stated that in Houston they had the remote control technology just over a year; that before Houston everything was approved for the types of jobs implemented by the federal government; that he was not sure how much money had been saved. Council Member Sekula-Gibbs stated that they were trying to balance safety, etc., and Union Pacific came up with good words, but then often tracks were blocked and children climbed under them and one had their foot cut off; that the notion police had to go and get trains removed and then no one would be in it to move it was ridiculous; and she knew he would say it would not happen, but the term give an inch and they take a mile and that was what happened when circumstances worked their way around and that was what she was worried about; that it shouldn't happen, but things happened that shouldn't; and she knew he was saying to believe him; and Mr. Huddleston stated that today he was present on remote control and he believed Friday the City Attorney would be meeting with Union Pacific and discussing crossing situations which he knew did need improvement. Council Member Sekula-Gibbs stated that she still stood on the resolution, it was a quality of life and safety issue. Council Members Lawrence, Galloway, Ellis and Berry absent.

Council Member Khan stated that his question was why was the item on the Council Agenda because apparently they were asking a federal agency for something and on at least one other issue in the past he used the argument that they should only consider business of the city and not business having nothing to do with the city, but with the item on the Agenda he would have difficulty using that argument for not putting other items on the Agenda which were not the business of the city. Council Members Lawrence, Galloway, Ellis and Berry absent.

Upon questions by Council Member Edwards, Mr. Huddleston stated that he represented Union Pacific Railroad; that he was manager of operating practices and implementing remote control throughout Houston. Council Member Edwards stated that Union Pacific always assumed a very arrogant position when it came to how they utilized crossings and so fourth; and upon questions, Mr. Huddleston stated that he could not answer that. Council Member Edwards stated that she had no problem with technology, but did have a problem when they used it for their own self-interest and did not take into account people who were paying for it; that he could not make such decisions and they needed to come and face the people whose lives they were interrupting and tell them why it was a good thing. Council Members Galloway, Ellis and Berry absent.

Mayor White thanked Mr. Huddleston for coming and helping on the issues; and upon questions, Mr. Huddleston stated that the equipment was used in railroad switching yards. Mayor White stated that was what Section 4 of the resolution stated; and upon further questions, Mr. Huddleston agreed that in the resolution there was nothing to prevent them from what they were doing today. Mayor White stated that Saturday morning he was with others and a train stopped and blocked Harrisburg and people were angry and he discouraged someone from climbing through, but this was not the first time such was brought to the attention of people. Council Members Galloway and Berry absent.

Council Member Edwards stated that she would encourage Union Pacific's board to have the guts to come talk face to face instead of sending people like Mr. Huddleston to take the fire they didn't want to take; that if they were bold enough to bring this type of crap to the community then they should come get results themselves. Council Members Galloway and Berry absent.

Mr. Rick Pennington, 24 Brisbane, Houston, Texas 77061 (713-847-3257) appeared and spoke in favor of Agenda Item 38, stating that he was with the Burlington Santa Fe Railroad and was superintendent in Houston with his territory running from Teague, Texas, to Galveston; and remote control was one of the safest operations in railroad history. Council Members Galloway and Berry absent.

Upon questions by Council Member Quan, Mr. Pennington stated that he had read the

proposed resolution and one piece had to do with handling hazardous material and he would rather a train do it than a truck; that they did not transport it outside the rail yard at this time; that they did use remote control on streets, etc., an example was when they pulled out of the yard at Glidden and Long he had a remote control operation, but when they pulled out across the grade crossing it had to be manned and protected, they were not riding on the train at all times. Council Members Galloway and Berry absent.

Upon questions by Council Member Khan, Mr. Pennington stated that the person was not riding on the train at all times; that currently if they lost communication between the box and locomotive the train stopped and there was no evidence yet showing a remote control failure; that it had been in use 10 years and his company started using it in the US in February 2002 with no incidents. Council Members Galloway and Berry absent.

Upon questions by Council Member Edwards, Mr. Pennington stated that tracks also went through communities, but hazardous materials on trains stayed on the track and trucks could go anywhere in the city; that he felt transporting by rail was safer; that he had gone out in June and July 2003 and talked with the community about it. Council Member Edwards stated that she was voting for the resolution for her constituents and she did not know where he had that because her office was not involved; and Mr. Pennington stated that it was her office that invited him to go. Council Member Edwards stated that she wanted to have a townhall meeting, a larger meeting and would like him there; that constituents were very concerned with the whole position the railroads represented in the community; that she did not trust his organization as they did not listen to those who paid the taxes and maintained the byways. Council Members Galloway, Green and Berry absent.

Council Member Wiseman stated that she appreciated comments expressed by her colleagues; that this was a resolution they were sending to the federal regulators and not an ordinance; that the City of Houston was able to regulate activities conducted by railroad companies anywhere in the City of Houston, but here they were asking the Federal Railroad Administration for consideration on specific points such as operation by remote control on streets to protect the public; that they were also asking to prohibit any use of remote control locomotives within the city pending development of a plan for evacuation and for consideration of development of comprehensive regulations to govern the new technology and again it was to protect the public interest, so they were trying to work with other agencies as they should and therefore sending the resolution, but they were passing no ordinance and it would not alter the work they were currently doing but would make it clear where they would like federal regulation in regard to public safety. Council Members Galloway, Edwards and Green absent.

Council Member Alvarado stated that the resolution requested the Federal Railroad Administration develop comprehensive regulations to govern the use of remote control locomotives that would ensure the highest level of training, skills, experience and qualifications for all persons operating remote control locomotives; and upon questions, Mr. Pennington stated that they did not disagree with that; and Council Member Alvarado stated that they agreed on the resolution then; and upon further questions, Mr. Pennington stated that he understood the FRA would be making a presentation on it, there was a committee formed and he thought they should wait on the committee and their findings. Council Member Alvarado stated that as she said earlier this is a quality of life to them and their neighborhoods and she would like to know what the company was saving by converting to the remote control. Council Members Galloway, Edwards and Green absent.

Council Member Alvarado yielded to Council Member Wiseman who stated that she was glad Mr. Pennington stated the FRA would be looking at this and in actuality it would be a benefit for them to have the resolution from Council as it was their position and views and it gave them all they needed to review. Council Members Edwards, Ellis and Green absent.

Ms. Kathy Yambra, P. O. Box 1534, Spring, Texas (281-440-3629) appeared and spoke in

favor of Agenda Item 38, stating that she was wife to a railroad engineer, the Texas State Legislative rep for the women's auxiliary, the BLET, and a native Houstonian and she was worried not only for children, etc., but for the men working in the yards; that this was not a labor issue because Union Pacific even stated they were hiring, it was only safety. Council Members Edwards, Wiseman, Alvarado, Ellis and Green absent.

Mr. Terry Briggs, who was previously added to the Speakers List, appeared in favor of Agenda Item 38, stating that he was chairman of the Legislative Board for the Brotherhood of Locomotive Engineers and Trainmen for the whole State of Texas and his issues were legislative, safety, sanitation and health; that he did not deal in contract or job issues; that he was glad the railroad came today, but 16 months later; that it was important for Council to consider what they said as it was an important issue; that injuries were mentioned but it was not Council's business; that what went on in a rail yard was the employer's issue, but in the wreck Council Member Alvarado mentioned in Arlington there was no one on point and that did disclaim what the railroad said as to someone always being on point; that Mr. John Bramley was a spokesman for the whole Union Pacific Railroad and he said remote controls contributed to 1% more accidents in 2003 and that injuries were 5% less, but with math and two people instead of three you would think it would be 30% less; that what really needed to be focused on was what took place outside the yards and they did go from yard to yard. Council Members Edwards, Garcia, Ellis and Green absent.

Council Member Alvarado moved that the rules be suspended for the purpose of extending time for Mr. Terry Briggs to speak for one minute, seconded by Council Member Quan. All voting aye. Nays none. Council Members Edwards, Garcia, Ellis and Green absent. MOTION 2004-0358 ADOPTED.

Mr. Briggs further stated that Mr. Pennington mentioned the arbitrator who awarded the jobs to the United Transportation and it was true and in that decision he gave the railroads the right to use remote control in and around the terminals and that was not a yard, it included crossings and the U P Training Manual stated a remote could be operated up to a mile away from the transmitter and with a repeater it could be two miles. Council Members Galloway, Edwards, Garcia, Ellis and Green absent.

Upon questions by Council Member Quan, Mr. Briggs stated that their union had been compiling a database of injuries and accidents; that after the Federal Railroad Administration looked at the data in Canada they said it was not reliable because it did not use a correct metrics to gather it so they said in the US they would allow an experiment to go on in limited circumstance with the guidelines; that there was no time limit set only that it was to be monitored. Council Members Galloway, Edwards, Garcia, Ellis and Green absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Briggs stated that he would accept that Burlington Northern had no accidents in their two years of operation in Houston, their remote operations were pretty limited; that he would not say it was so for Union Pacific; that certain accidents would have been prevented with an engineer on board; that he did not think remote control saved a dime but that was only his opinion. Council Members Galloway, Edwards, Khan, Ellis and Green absent.

Mayor White thanked Mr. Briggs for coming and stated that various members of Council were trying to figure the arguments on each side and trying to balance them; that some may have made their mind up, but the questions by Mayor Pro Tem Alvarado were as straight forward as the responses given to her and he thought citizens could hold different views and be treated with dignity and respect in this Chamber, but what he heard was people just did not want the City of Houston expressing views of what was occurring in their streets; that for the undecided Council Members the language of the resolution was carefully crafted with a balanced interest as rail was important. Council Members Galloway, Edwards, Ellis and Green absent.

Ms. Kathy Lord, 3100 Wesleyan, Houston, Texas 77027 (713-840-8733) appeared and stated that she was present to encourage support of Agenda Item 16 authorizing 2003 Community Development Block Grant reprogramming funds; that Trees for Houston was pleased to find planting in connection with affordable housing qualified for funds from Community Development; that they were non-profit and dedicated to making a visible difference in the community by providing beauty and counteracting pollution and improving the quality of life in Houston and they were requesting assistance. Council Members Galloway, Edwards, Ellis and Green absent.

Council Member Quan thanked Ms. Lord for her work and stated that he did intend to support the reallocation of CDBG funds tomorrow; that they did a great job. Council Members Galloway, Edwards, Ellis and Green absent.

Council Member Khan stated that he agreed with Council Member Quan. Council Members Galloway, Edwards, Ellis and Green absent.

Council Member Sekula-Gibbs stated that she wanted to acknowledge Ms. Lord's work and she was working with a group from the Polish community on a project celebrating 150 years of Polish history in North America and they would be planting 150 trees in Texas in commemoration. Council Members Galloway, Goldberg, Ellis and Green absent.

Mayor White stated that he appreciated her work and he was completely supportive of what she was trying to do, but would say he would like her and members of her organization to strive to reduce the cost per tree and to think on how the City of Houston could assist in doing so; and Ms. Lord stated that they were always willing to partner with the City and County. Council Members Galloway, Goldberg, Ellis and Green absent.

Mr. Robert Kruckemeyer, 800 Commerce, Houston, Texas 77002 (713-226-5175) appeared in opposition to Agenda Item 39, stating that he was an attorney representing Enterprise Leasing Company of Houston and 50% of their renters were Houstonians and 50% did not use a credit card; that it was difficult to charge a credit card after 30 days after the transaction and currently city ordinance allowed the person who received a ticket 45 days to contest so it would then be after 45 days that the rental companies would be liable to pay and after 45 days it would be almost impossible to charge them; that this would cause them to charge more to law abiding citizens. Council Member Galloway absent.

Council Member Quan moved that the rules be suspended for the purpose of extending time for Mr. Robert Kruckemeyer to speak, seconded by Council Member Khan. Council Member Wiseman voting no. Balance voting aye. Council Member Galloway absent. MOTION 2004-0359 ADOPTED.

Mr. Kruckemeyer stated that Enterprise wanted the City to collect every dime it was owed and last year they offered to buy the City new computers and staff them with Enterprise employees to make the transfer of information efficient and it was rejected by Ms Sudhoff; that the City could not identify one jurisdiction which did it this way and Houston should collect fines from those who broke the law and Enterprise was committed to working with the City to fashion ordinances which would accomplish that result. Council Member Galloway absent.

Council Member Berry stated that they were receptive to his points; that the City was in tough budget times, but they did want a fare system; and upon questions, Mr. Kruckemeyer stated that no city did it the way the City of Houston was proposing and they were surprised to see the preamble said many jurisdictions did it, then he asked the person who wrote it which jurisdictions did it and he could not identify one; that Enterprise was the largest rental car company in the world with 100 locations in Houston; that if this was passed they would raise rental rates and factor it on to renters; that 93% of the renters were local and the City of

Houston could go to them. Council Member Galloway absent.

Council Member Khan stated that when a car was rented and brought back they asked different questions to the renter and if they asked if the person received a traffic ticket even if they lied they would be able to go back on them; that people who got the ticket should pay and not anyone else; and Mr. Kruckemeyer stated that they offered the City of Houston computers so they could do just that but they were not interested. Council Members Galloway and Quan absent.

Council Member Wiseman called for the orders of the day. Mayor White stated that Council had exceed the time limit on this particular speaker and there were four Council Members wanting to address the issue though there were several speakers; and upon questions, Council Member Wiseman stated that a call for the orders of the day was not a motion and was under Roberts Rules of Order not debatable, according to Council Rules when the time expired for the speaker being questioned Council may ask the speaker if he would like to remain until the end of the meeting at which time Council may question him, but given there were other speakers on the same issue perhaps her colleagues could address them to the other speakers. Council Members Galloway and Quan absent.

Council Member Goldberg moved that the rules be suspended for the purpose of allowing additional time to question Mr. Robert Kruckemeyer, seconded by Council Member Berry.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting no	Council Member Alvarado voting aye
Council Member Galloway absent	Council Member Ellis voting no
Council Member Goldberg voting aye	Council Member Quan absent
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting no	MOTION 2004-0360 FAILED

Mr. Brett Nann, 10401 Centre Park, Houston, Texas 77043 (713-300-7430) appeared, presented information and spoke against Agenda Item 39, stating that he was vice president of Enterprise Leasing and present urging reconsideration of the issue; that there was misinformation on the issue and it was important for Council Members to look at what it would do to the traveling public and the communities here; that he would strongly urge putting together a taskforce including Council Members and members of the industry to get the City the money; that the wrong people should not be penalized. Council Member Galloway absent.

Council Member Goldberg stated that he understood both San Antonio and Denver did charge citizens back and the rental companies tacked on an administrative fee; and Mr. Nann stated that there were cities where an administrative fee was tacked onto the contract, but to his knowledge there was no city which put the ultimate liability on the car rental companies; that they could put in the contract the renter was responsible but the enforceability was virtually nonexistent, they would have to pursue legally each and every case. Council Member Galloway absent.

Upon questions by Council Member Alvarado, Mr. Nann stated they had no vehicle in their contract to collect later. Council Members Galloway, Goldberg and Holm absent.

Upon further questions by Council Member Alvarado, Mr. Michel stated that Enterprise did have the largest amount of outstanding parking tickets according to the data he saw. Council Member Alvarado stated then other companies who utilized the credit card had a way to protect themselves whereas they operated by cash as well as credit card; that maybe they should change the terms of their contract and their process so they could collect; and Mr. Nann stated

that it was simply a differential of size between companies; that up until now they had all been dealing with this in the same manner, but they did offer the City the technology and personnel; that insurance was a separate issue from the payment issue. Council Members Galloway, Goldberg and Holm absent.

Council Member Edwards stated that she used Enterprise all the time and thought they were great, but if she lent her car to someone and they received a ticket the ticket would go to her and she did not see why they would treat them any differently; and upon questions, Mr. Nann stated that her saying why did they not roll that cost into their insurance was bringing up solutions which would get the City paid and still not put the ultimate liability back on the companies and he agreed there would be ways. Council Member Edwards stated that she was not willing to pass an ordinance treating them differently than anyone else, but would work with him on a solution. Council Members Galloway, Goldberg, Wiseman and Holm absent.

Council Member Green stated that if they could factor into their contract that the contract was closed subject to no outstanding charges and have it signed off on according to those conditions; and upon questions, Mr. Nann stated that there were two contracts one between the lessor and lessee and one between the company and credit card company; that right now they gave information back to the City and nothing was happening with it and again he would urge the matter be tabled and they sit together and put something together which made sense for everyone. Council Member Green stated that Council was at their wits end as this had been going on for some time and something needed to be done; and Mr. Nann stated that there were models out there but they needed to sit together and explore them. Council Member Green stated that might be in the future but what about the money owed them now; and Mr. Nann stated that they had already been to court and they won their case. Council Members Galloway, Goldberg, Edwards, Wiseman and Holm absent.

Mayor White stated that Council Member Green had invested some considerable amount of time on Municipal Court reform and related issues and he did appreciate his help; that he respected someone who built a business in this community and employed folks and he knew it was not easy to do; and upon questions, Mr. Nann stated that he did not know the estimate of what was owed in tickets; that their revenue for the last year was probably in the \$125,000,000 range. Mayor White stated that if he would supplement the record or provide Mr. Michel with what he estimated their annual ticket rate to be so they could have a denominator over the revenue to get a sense of impact he would appreciate it. Council Members Galloway, Goldberg, Edwards and Wiseman absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Nann stated that they had no frequent driver or frequent user program; that they did have a way of tracking frequent customers, but again 40% to 50% of their renters were first time renters; that they did have one warning screen associated with accidents. Council Member Sekula-Gibbs stated that if they could identify a bad risk then would they not want to track a parking ticket risk and they could get them to pay before renting again; and Mr. Nann stated that it could be looked at, but from a national level it was not something they had to deal with. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm and Quan absent.

Council Member Khan stated that what he would guess they would have to raise rates; and upon questions, Mr. Michele stated that a parking ticket went to the car; that the owner could contest they did not have control over the vehicle; that this ordinance was placing the responsibility on the owner of the vehicle after the 45 day period if it was not paid and an appearance was not made. Council Member Khan stated that the City was losing too much money by not having an ordinance of such in place; and Mr. Nann stated that the ordinance was treating them much differently in this ordinance whereby they could lose their franchise license within the city if the individual did not pay their ticket. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Quan and Green absent. (NO QUORUM PRESENT)

Council Member Garcia stated that they were trying to make the City seem like the bad guys for trying to collect fines and they needed a resolution to this; that apparently what was done in the past had not resolved it; and upon questions, Mr. Nann stated that they needed to sit and talk about real solutions where it would not negatively impact anyone including the city. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman and Holm absent.

After further discussion Mayor White stated that there were aspects of the Municipal Court system which were a bottleneck and not functioning; that at a meeting this morning they identified several objectives of Municipal Court reform which included reduce the waste of time of witnesses and citizens, increase the percentage of lawful citations collected, make sure there was a minimum of gaining of the system, making it more user friendly; that many would prefer to mail in the amount or have deferred adjudication; that the taskforce was to report back to Council Member Green in 15 days and him within 30 days because it was very serious; and he wanted to move forward on making progress day by day on what could be made progress on and they would be open to amendments in the future, but he did not think exceptions should be made to any one company and all knew the incremental \$100,000 that was not collected for whatever reason including mass dismissals was cut backs in public safety or more taxes and they did not want cut backs or more taxes. Council Members Lawrence, Galloway, Goldberg, Wiseman and Holm absent.

Council Member Khan stated that he thought a total quality management system needed to be implemented in City departments; that he would guess it was not only Municipal Courts which needed efficiency improvements and would request Mayor White look into implementing a total quality management system into all departments. Mayor White, Council Members Galloway, Goldberg, Wiseman and Holm absent. Mayor Pro Tem Alvarado presiding.

Mr. Jim Lemond, 910 Travis, Houston, Texas 77002 (713-650-2750) appeared and spoke in opposition to Agenda Item 39, stating that the issue was well addressed, but he was asking for a deferral of the passage of the ordinance to give opportunity to visit with the City and others and he was representing Hertz, Budget, Alamo and National Rental Car Agencies, their interest was there should be opportunity to address change and they did recognize problems in the system, but there had been no attempt for them to sit with the City Attorney, Municipal Courts, etc., and they were asking for 30 days to address the issues. Mayor White, Council Members Galloway, Goldberg, Wiseman and Holm absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Sekula-Gibbs, Mr. Lemond stated that his clients were vigilant in pursuing the collection of delinquent parking tickets; that they did utilize the credit card system and there was a charge back system. Council Member Sekula-Gibbs stated that they were trying to improve the process and if there was a way to work with them to see that it was done they wanted to do so and would appreciate anything being tightened up on their end. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Minister Robert Muhammad out of order, seconded by Council Member Green. All voting aye. Nays none. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0361 ADOPTED.

Mayor Pro Tem Alvarado stated that she would ask Council Members to be consider, to be brief as they still had quite a ways to go and it was 4:35 p.m. at this time. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Green, Mr. Lemond stated that his customers and Enterprise had two different business models, Enterprise rented primarily on long-term leases

and his clients represented short-term renters, but he thought they should all huddle together and was asking for a period of 30 days. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs and Berry absent.

After further discussion, Mayor White stated that apparently this was not the first time the issue had come up and they did want to do the right thing; that generally if people were motivated whatever could be done in 30 days could be done in two hours and he would make the offer that the City Attorney and Mr. David Saperstein, head of the Mayor's Office of Mobility meet between now and 7:00 p.m. with those dealing with authority for the companies and then if it required delay of action by a week that could be done by tag or deferral, but nothing in life took 30 days to do if smart people got on it; that they could meet and he would get their joint recommendation at the conclusion of this, but because of commitments he knew it had to close at 7:00 p.m.; and Mr. Lemond thanked Mayor White for the consideration. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent.

Mr. David Bat, 1301 McKinney #200, Houston, Texas 77010 (713-236-4321) appeared, presented information and spoke in opposition to Agenda Item 13, stating that he was vice president and general manager for Constellation New Energy and was to provide a brief review of how their response to the RFP delivered the best overall value to the City through competitive pricing in combination with an energy provider which was financially strong; that they had proven their service performance and it was offered in combination with a strong and well respected partner; and reviewed information in their hand out and they were key points backing their offer with a \$10,000,000 guarantee, etc. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent.

Council Member Khan moved that the rules be suspended for the purpose of extending time for Mr. David Bat to speak, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent. MOTION 2004-0362 ADOPTED.

Mr. Bat further stated that they had zero complaints filed with the Utility Commission and their business had grown and they were currently the third largest C and I provider of competitive electricity in the State of Texas; that they were the nation's largest independent provider of electricity in the United States and they were based here in Houston and did want to partner with the City of Houston. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent.

Mayor White stated that it was in the City's interest to have good firms bid on work and they appreciated the fact that they did so. Council Members Galloway, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Ellis, Mr. Hall stated that the contract had solicitation administered through the Building Services Department and had been for a number of years. Council Member Ellis stated that he had questions for him; and Mr. Felix Johnson of Building Services came to the Council Table. Council Members Galloway, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mayor White stated that he wanted to give a view of the decision making process, ultimately the Administration went with the staff recommendation. Council Members Galloway, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Council Member Ellis stated that this was an agenda item in the Fiscal Affairs Meeting and it was explained that the General Land Offer contract was the best for the City of Houston and he wanted to establish that again here today; and Mr. Hall stated that the General Land Office contract was the recommendation from the Administration and they made the presentation to Fiscal Affairs and it was passed there unanimously; that it was the best contract on the

evaluation of award of the contract prior to the 16th of this month; after tomorrow it would have to be reevaluated because their terms would change; and upon questions, Mr. Felix Johnson of Building Services stated that he was the energy division manager and if the item did not pass tomorrow the incremental cost would be approximately \$1.4 million per year; that if it did not pass tomorrow the lowest price would be to Constellation of Energy, but the price would be \$1.4 million higher and if they were able to hammer out negotiations of the contract they would have to pass that prior to April 30th or it would be no good; that he would not agree Constellation was the most competitive and best value prior to the 16th. Council Members Galloway, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Council Member Khan stated that he stumbled on this while attending a meeting for the Small Business MWBE Committee so he had no in-depth analysis prior to last Thursday, but his concern with the contract was it was a classic example as to what was wrong with trade for small businesses in City contracts; that the way it was done there was absolutely no chance for a small business to get the contract and he thought the City of Houston should be a champion for the small businesses. Council Members Galloway, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Mr. Bat stated that he was not directly involved with the scoring process and would like to know if his team members could be involved in those questions. Council Members Galloway, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Council Member Green moved that the rules be suspended for the purpose of allowing those appearing on Agenda Item 13 to appear at the podium, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Wiseman, Holm, Garcia and Sekula-Gibbs absent. MOTION 2004-0363 ADOPTED.

Council Member Edwards moved that the rules be suspended for the purpose of remaining in session beyond the scheduled 5:00 p.m. recess to 6:30 p.m. to hear the balance of speakers, seconded by Council Member Green. All voting aye. Nays none. Council Members Galloway, Wiseman, Holm, Garcia and Sekula-Gibbs absent. MOTION 2004-0364 ADOPTED.

Upon further questions by Council Member Quan, Mr. John Woodward, director of sales, stated that they did not know the terms and conditions of the competing offer, but they were told their offer was discounted because of their MWBE proposal and in that area they had offered to double the amount of power and it would be purchased on a wholesale basis not broker basis, he considered it a critical component and they were not scored fairly in that regard. Council Members Galloway, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Mr. Johnson stated that they had scored lower because their commitment to the MWBE was not solid, it had not been solidified in their final proposal. Council Members Galloway, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Mayor White stated that he did not want to put anyone else in the firing line and would say how the Administration's recommendation came about was he personally went through the numbers with consultants trying to get the lowest dollar for the taxpayer and he was not saying it to discourage any questioning, but he did not want to pass the buck. Council Members Galloway, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent.

Upon further questions by Council Member Quan, Mr. Johnson stated that he did not have access to the competing offer and could not respond; and Mayor White stated that based on information given to him it was correct that if they went with General Land Offer they saved \$1.4 million a year and would like to elaborate that in looking at the 36 months they were looking at and what was quoted and looking at the forward curves of some of the fuels there was some options, they had more options in the future that could lock in lower prices should an unusual

natural gas situation be alleviated; that he asked the three criteria, value for the taxpayer dollar, commitment to diversity and commitment to the community and local employment and because of the budget crunch value for the dollar he really homed in on once he satisfied himself the other conditions had been met. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Mr. Johnson stated the recommendation was General Land Offer. Council Member Quan stated that the memo eluded to previously where Mr. Baker recommended Constellation he had no knowledge of; and Mr. Hall stated that he talked to Mr. Dadoush about that at some length who had talked personally with Mr. Baker and he said in talking to Mr. Baker he said he signed it on his last day in the office as he was not certain, given that he was leaving, the contract would be processed in the 21 days he had envisioned and after that period they would have had the best price; that Mayor White fortunately was probably one of the most knowledgeable in the country regarding these issues and he had some concern whether it was appropriate, but not that it was unfair. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent.

Upon questions by Council Member Green, Mayor White stated that this was the net pricing; and Mr. Hall stated that it was roughly 2% of the gross. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Ellis and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mayor White stated that they were a great company and he was glad that everyone bid; that he did appreciate their commitment to the community and he liked the manner in which their presentation and references were made; that nothing would erode confidence in City government at a time where they had a lot at stake to protect city services and the budget than to have a highly politicized process for something about procurement on something as basic as electricity and he appreciated the manner people conducted themselves; that he would let his colleagues know the escalation in electricity prices was an unpleasant reality they had to deal with and that was why he tried to present it to the Fiscal Affairs Committee as soon as the bids were in. Council Members Lawrence, Galloway, Holm, Garcia, Alvarado, Ellis and Sekula-Gibbs absent.

The City Secretary stated that Mr. Chris Wilmont had been added to the list as his name was on an earlier list and deleted as there was a question as to whether it should have been, and called on Mr. Wilmont who was not present when his name was called. Council Members Lawrence, Galloway, Holm, Garcia, Alvarado, Ellis and Sekula-Gibbs absent.

Mr. David Roylance, 1000 Main, Houston, Texas 77002 (713-301-4218) appeared in favor of Agenda Item 13, stating that he was vice president for Reliant Energy Solutions, the reliant company which was ultimately responsible for providing the service General Land Offer was going to provide to the City of Houston and that the contract being contemplated was a very innovative component contract and allowed the City to take advantage of market timing by allowing them to fix two of the three major components in their electricity spend; that fuel prices would float until the Mayor locked in the component and the contract concept was a key innovation of deregulation and this began last fall when the prices were even lower; that the contract was with the General Land Office which was backed by the State of Texas and Reliant Energy was actually the sub contractor and that was an important point; and discussed guarantees, ratings, etc. Council Members Lawrence, Galloway, Holm, Garcia, Alvarado and Sekula-Gibbs absent.

Council Member Khan moved that the rules be suspended for the purpose of extending time for Mr. Daniel Roylance to speak, seconded by Council Member Quan. All voting aye. Nays none. Council Members Lawrence, Galloway, Holm, Garcia and Sekula-Gibbs absent. MOTION 2004-0365 ADOPTED.

Mr. Roylance further stated that Reliant and the General Land Office would continue to evolve their thinking regarding MWBE supply; that MWBE participation and the goal they put forward they viewed as an interim target to move forward and they would exceed it; and continued to review the MWBE requirements and their commitments. Council Members Lawrence, Galloway, Holm, Garcia and Sekula-Gibbs absent.

Council Member Khan stated that he appreciated his efforts with MWBE; and upon questions, Mr. Roylance stated that there were other ways besides reverse option they intended to use for the MWBE portion of the contract; that the majority of the contract came from bilateral where the MWBE company had taken title to it and actually delivered the product, then was the reverse option and a small amount through brokerage. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Quan and Sekula-Gibbs absent.

Mr. Sam Webb, 3434 Locke Lane, Houston, Texas 77027 (713-539-5895) appeared and spoke in favor of Agenda Item 13, stating that he was with the General Land Office and was present to advocate Council's approval tomorrow of the elected contract between the Texas General Land Office and the City of Houston; that they were the oldest state agency in Texas and in 1983 they began to sell its kind oil and gas on the market to enhance school fund monies and in 1999 they were allowed to use the oil and gas revenue to produce electricity to sell and further enhance the school fund which helped taxpayers of the State of Texas; and to address Council Member Khan the deregulation in the industry occurred just a few years ago so this was a merging market and there was hope and through the MWBE Program they had gone from zero to eight providers with maybe eight more in the wings and there was hope for a small provider to grow under this type of contract. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Quan and Sekula-Gibbs absent. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Quan and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Mr. Webb stated that they had every intention to use MWBE businesses in ways besides reverse options. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Quan and Sekula-Gibbs absent.

Upon questions by Council Member Goldberg, Mr. Webb stated that he would defer to Reliant except to say he was not sure of the accuracy of the triple C rating, but knew it was not of consequence to their contract. Council Members Lawrence, Galloway, Wiseman, Holm, Quan and Sekula-Gibbs absent.

Mr. John Woodward, 1301 McKinney, Houston, Texas 77010 (713-236-4320) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Holm, Quan and Sekula-Gibbs absent.

Minister Robert Muhammad, 4443 OST, Houston, Texas 77021 (713-741-2747) appeared and stated that he was present as Minister Farrakhan asked that he deliver a message to Council and asked that he not engage in personal attacks, but Mayor White was a genius and as most geniuses he was blind and arrogant because he did not see what he was doing regarding the reparations issue; that they realized there was a large deficit and they were not asking him to stop the agenda he ranted on but they were asking him to get eight people to put on the Agenda a vote for federal resolution HR40 to study slavery, its effects and if it was found they were damaged then recommend reparations. Council Members Lawrence, Galloway, Wiseman, Holm and Quan absent.

Council Member Green moved that the rules be suspended for the purpose of extending time for Minister Robert Muhammad to speak, seconded by Council Member Edwards. All voting aye. Nays none. Council Members Lawrence, Galloway, Wiseman, Holm and Quan absent. MOTION 2004-0366 ADOPTED.

Minister Muhammad further stated that the big issue was not about whether White folks did it to them but rather why did God allow it; that the Black leadership who helped get Mayor White elected and was not advising him correctly. Council Member Ellis stated that it was a federal issue therefore they should not deal with it and yet they had the Federal Railroad Commission speaking today and this had to end now. Council Members Lawrence, Galloway, Wiseman, Holm and Quan absent.

Council Member Alvarado moved that the rules be suspended for the purpose of extending time for Minister Robert Muhammad to speak, seconded by Council Member Edwards. All voting aye. Nays none. Council Members Lawrence, Galloway, Wiseman, Holm and Quan absent. MOTION 2004-0367 ADOPTED.

Minister Muhammad further stated that it was not their fault this country had such a deficit, but Mayor White was benefiting from things poor Black people voted in and helped to build; that he was asking that reparations be put on the Agenda and voted on; and that they be respected the same as others. Council Members Lawrence, Galloway, Wiseman, Holm and Quan absent.

Council Member Edwards stated that she was only responsible for what she did with her emotions, but she had a right to her feelings and did not care who liked it, and she had a right to respond to her oppression anyway she chose to and the issue of reparations was not just dollars and cents but about healing and it was not just about Black people as there was a pathology in the White community because of slavery as well; that there had never been frank dialogue in the country regarding race issues and that was the root problem. Council Members Lawrence, Galloway, Wiseman, Holm and Quan absent.

Council Member Khan stated that he was right he was one of the luckiest persons on the face of the earth and had benefited a great deal from America and its society and was a living example of how someone even like him could succeed. Council Members Lawrence, Galloway, Wiseman, Holm and Quan absent.

Mayor White stated that Minister Muhammad had been very eloquent and he and had listened to every word; that the points Council Member Edwards made were insight into points and candor that he thought all Council Members should take to heart; that it was not neglect and there did have to be dialogue within this group; that slavery and the legacy of slavery and consequences did affect all people and it was important to move forward and as he thought and prayed about how to try and bring people together to communicate with each other and not talk at each other he would need help from a number of people and he appreciated his eloquence and demeanor today. Council Members Lawrence, Galloway, Wiseman, Holm and Quan absent.

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

Mr. Joe P. Richardson, 6101 Bobby Burns, Houston, Texas 77028 (713-673-7527) appeared, presented information and stated that for the past 15 years he had to cut the lot at 6105 Bobby Burns near his property for safety; that it had snakes and rats the size of cats and weeds as tall as his house; that he tried to buy the lot many times but the owner never made up her mind to sell even though she could not keep it up and he called the City many times and was just told the owner had the responsibility to mow; that after she passed he was told when he called the land was for sell and he asked about the price but was told they had nothing to do

about it the law firm did; that he was given no chance to bid before it went to public auction. Council Members Lawrence, Galloway, Wiseman, Holm and Quan absent.

Council Member Ellis moved that the rules be suspended for the purpose of extending time for Mr. Joe P. Richardson to speak, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado and Quan absent. MOTION 2004-0368 ADOPTED.

Mr. Richardson further stated that Mr. Sanderville told him to be sure and be at the auction and he attempted to contact Ms. Judy Johnson but her secretary said she had referred him to Mr. Sandervill and refused to let him speak to her; that cutting her property got him no where and complaints about the law firm fell on deaf ears, he deserved something for cutting the property for 15 years and further reviewed problems with Animal Control, drugs, Neighborhood Protection, abandoned houses and rats, etc. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan and Green absent.

Mayor White thanked Mr. Richardson for coming and the care and detailing of the matters brought forward. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan and Green absent.

Rev. G. L. Patterson, 9950 Genard, Houston, Texas 77041 (713-690-7767) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Quan and Green absent.

Minister Joe Angel Lopez, 2000 Carlton Parc #7, Houston, Texas 77063 (281-435-0779) appeared and stated that when meetings were held with the railroads he would like them held in all districts so he and others could attend; that he came today to speak about the medical mobile unit in the Spring Branch area; that he addressed the County earlier today and was told by Judge Eckels that their funds could not be used in the City unless for homeless or AIDS infected and would like direction as to where to go so the unit could be financed; that today he had been present since 1:30 p.m. and had received a parking ticket for \$65.00 at the corner of Smith and McKinney; that someone masked taped the meters where it said not to park between 4:00 p.m. and 6:00 p.m. so cars were towed or ticketed and it had to be a City employee. Council Members Lawrence, Galloway, Wiseman, Holm and Quan absent.

Mayor White stated that this had been a long meeting and he and others had waited a long time and he did appreciate them waiting to share their information. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Quan and Sekula-Gibbs absent.

Mr. Victor Woods, 1706 Seamist Dr. #560, Houston, Texas 77008 (713-376-6179) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Quan and Sekula-Gibbs absent.

Mr. Meier Ohanna, 5517 Val Verde, Houston, Texas 77056 (281-850-7053) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Quan and Sekula-Gibbs absent.

Mr. Roger Parrish, 15100 Memorial Drive, Houston, Texas 77079 (281-345-1954) appeared and stated that he was a captain with the Houston Fire Department and in 1999 the Fire Department implemented a program to purchase thermal imagers for all fire apparatus and initially 40 were acquired with the intention of purchasing 10 per year thereafter until all apparatus had them, but after that initial purchase the program fell victim to budget cuts; that an imager allowed a firefighter to walk into a hostel environment and assess fire involvement and make a better decision as to whether he wanted his crew to go in and allowed them to see whether a citizen or another firefighter was down; that today they could equip every apparatus in the City of Houston including replacing the 40 initial units bought for \$800,000 to \$1,000,000

which came out to fifty cents per citizen; and today he was asking for that equipment. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Quan and Sekula-Gibbs absent.

Upon questions by Council Member Berry, Mr. Parrish stated that the incident was possibly the catalyst for him bringing that up today, but the equipment had been on the chopping block the last three or four years; that the first three apparatus which arrived on scene last week did not have the apparatus; that with the apparatus when you walked into all the smoke you could see how much fire was there; that their quality had gone up and price had dropped and they were now about \$6,000 to \$10,000 a piece. Council Members Lawrence, Galloway, Wiseman, Holm, Quan and Sekula-Gibbs absent.

Upon questions by Council Member Garcia, Mr. Parrish stated that the City bought the original 40 in 1999 and they were to purchase 10 every year thereafter until all apparatus had them; that the original bought were still working and on the apparatus; that they bought enough to place one on each ladder truck, but no pumpers had them and it was a very important tool. Council Members Lawrence, Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent.

Upon questions by Mayor White, Mr. Parrish stated that the ones initially bought they paid \$13,000 for and from what he found on the Internet they were \$6,000 to \$10,000 a piece. Mayor White stated that he appreciated him coming and there were equipment issues which they faced including the thermal imagers and Chief Simms was present and could relay this on, but he expected, and the responsibility he put on the command staff with input from the rank and file, was to make a fair allocation between personal and equipment with capital expenditures within the Fire Department and thought it was a deep obligation for people to do that; and as they moved through budget discussions and choices made he expected the command staff to discharge responsibility of making choices based on the responsiveness of the Fire and EMS to the public need and the safety of the firefighters and encouraged good discussion through the command structure on this particular issue and that he appreciated the information provided. Council Members Lawrence, Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent.

Upon questions by Council Member Ellis, Mr. Parris stated that they needed an additional 80 and the high figure on them were \$10,000 each. Council Members Lawrence, Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent.

Mayor White stated that in the plainest language they, as elected public officials, had the responsibility to make sure people were well trained and equipped and could respond to the public emergencies and priorities of expenditures within the department he would hold the department's leadership responsible to that which meant when people in the command structure were asked by public servants like him...; that no one should feel qualified to make the decisions unless they fought fires professionally, but they could not be made by default and that was his expectation for the command staff. Council Members Lawrence, Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent.

Ms. Dorothy Hubbard, 2701 Mansfield Road, Houston, Texas 77091 (713-691-4880) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent.

Mr. Joseph Omo Omuari, 2820 Palm 2B, Houston, Texas 77004 (713-523-4011) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Ms. Mary Verges, 4421 Simsbrook Drive, Houston, Texas 77045 (713-433-7577) was heard previously during presentations. Council Members Lawrence, Galloway, Wiseman, Holm,

Quan, Sekula-Gibbs and Green absent.

Ms. Candace Behrens, 2207 Briarwest, Houston, Texas 77077 (281-556-0537) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Ms. Sarah Kleman, 3400 Timmons #41, Houston, Texas 77027 (713-627-7511) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent.

Mr. Ray Hill, P. O. Box 3624, Houston, Texas (713-523-6969) appeared and stated that he was present about seven weeks ago asking for a Hepatitis C Taskforce and he attend the first meeting and thought they would be able to set Houston ahead of the pack and become a role model for others and he thanked the Mayor for courage and commitment in seeing that happen; that today he was present on after hours dancing; that he lived in the Montrose and there was a 24 hour culture there and 24 hour economy and the after hours business was important there, first the safety issue, if everyone went to the streets as soon as they stopped serving liquor then they could play DWI bumper cars for the next couple of hours, but if they were allowed to burn some of it off it made more sense; that Houston proposed years ago getting rid of after hours dancing and it passed, but it moved customers there to other places and then abandoned houses and abandoned churches began playing loud music; that he felt it was better to keep them in the licensed establishments as they were already permitted, inspected, etc.; that if there was a problem with enforcement he would like to work with the Mayor's staff and various agencies. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Berry, Mr. Hill stated that he was not a person without influence in the Montrose and would be glad to deal in cooperation with the City or even citizens groups; that voluntary compliance went along way and he would be willing to act as an agent for change in that regard. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that her office was standing ready to work with the community; that she did not think they needed to overreact, but instead to find the solution. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Ernest Goodrich, 19935 Mountain Dale, Cypress, Texas 77433 (281-550-4105) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Michael Haggerty, 2428 Southmore, Houston, Texas 77004 (713-942-0365) appeared and stated that he was present on reparations and it was his intention to give a historical background on the City's connection to slavery, however, he would be remised not to say that he took offense regarding a statement made by Council Member Berry which was very racist regarding Mr. Clinton; that he exposed his true colors and he owed them all an apology. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Krystal Muhammad, 2417 Riverside Drive, Houston, Texas 77004 (281-221-8467) appeared and stated that Minister Muhammad eloquently described the words from

Minister Farrakhan for their community, but she would request her last minutes be yielded to Mr. Johnny Jeremiah. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that there was no quorum so they could have no motion, but she believed they could act on consensus; and stated that he would be allowed to speak after the other speakers. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Johnnie McFarland, 1900 N. Loop West #540, Houston, Texas 77018 (832-641-2101) appeared and stated that he was vice president of the Fraternal Order of Police No. 109 and present to once again speak on the Houston Emergency Center; that he did thank Mayor White and Council Members Green and Garcia and Mr. Hall for actually going to the center, it was a big morale booster and they were happy to know they were concerned about public safety and willing to make changes; that he also thanked Council Member Edwards for being very instrumental; that they supported Mayor White in making changes and felt drastic ones were needed; that they gave a vote of no confidence to management there and felt that was where the problem was; that in public safety it was important to have coordination, cooperation and communication; that the meeting the Mayor had at the Center was the largest one held; that management refused to allow those who did the work to have representation to get the problems out in the open and he was referring to technical problems with the system going down and operational problems as far as staffing and personnel issues keeping them from doing the best job they could; and everyone needed confidence in the system. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that there were issues he was looking at and would like his input and hoped the three of them could sit down and talk; that he was hopeful there would not be another crash, but he was concerned about whether their technology was failing or other issues preventing them from moving forward; that technology was not 100% perfect, but he wanted to be sure progress was being made in that regard and would be looking to him for help. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan and Sekula-Gibbs 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, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Tamara Jones-Whilby, 6400 W. Bellfort #910, Houston, Texas 77035 (713-304-8738) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) appeared and stated that he was speaking to Council Member Goldberg and Mr. Hill awhile ago when the officer came and told him to let the elevator go and let them go down and he was a racist. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated that the money was bogus and sang. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Ellis, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Kofi Taharka, 2428 Southmore, Houston, Texas 77004 (832-722-1682) appeared and

stated that he wanted clarity and anyone could answer; that he wanted to know how the Union Pacific Resolution from Council going to a federal body got on the Agenda. Council Member Edwards stated that the Mayor put the Agenda together and she would assume his office put it together. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that this was an argument he used himself as to why issues should not be on the Agenda and having said that he, in his good conscious, could not use that argument anymore for not placing other items on the Agenda including items dear to Mr. Taharka's heart; and upon questions, Mr. Taharka stated that everyone could not make it to Washington, D. C., to Congress, and their City government was the closest thing to them and he would think this Council would be elated at the opportunity to sign their name stating the original crime was wrong and it would pass 15 to nothing; and if they could get to a debate then healing could begin. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she respected peoples position to disagree, but the whole premises of local government was based on having a representative body which could speak for you and she was raised on the premises that all politics were local and what you did locally affected what happened on another level; that if you were a resident of the City anything you had was City business; that it said here the people are the city and her discussion was not what someone's vote was, but the integrity of the process was they had the right to have the vote. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Thomas Arrington, 3100 Cleurne, Houston, Texas 77004 (713-524-2699) appeared and displayed a book "King Leopold's Ghost" and stated that in the book there was a picture with a father holding the severed hand and foot of his child and he was looking for the rest of his child and the global construct which allowed that to exist in Belgium still existed today; that Texas University had on page 19 of its impact study that there should be a repository for the discourse of reparations and that same institution honored Mayor White and they wanted him to honor them. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Quanell X, 2428 Southmore, Houston, Texas 77004 (281-472-5589) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Jane Dember, 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared and stated that under Jimmy Carter, Democratic President, who also betrayed their community, there was a government paper called Global 2000 which stated that homosexuality would be promoted to reduce the human population and 4,100 years before Christ Ancient Africa said declarations of innocence, "I will not pollute myself, I will not commit sodomy, therefore their ancient spiritual values were violated and therefore reparations were due. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he would move for an extension of time based on consensus; and Ms. Dember continued speaking on why reparations were due. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he wanted to salute National Crime Victim Week; that he was a national crime victim again; and continued until his time expired. Council Members

Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Joe Adams, 24125 Aldine Westfield, Spring, Texas 77373 (281-350-7501) appeared, presented information and stated that he had anticipated on being the leadoff witness for the railroad industry, but when he came he was told he was only being allowed one minute because he was here before, but this was his first appearance and he apologized that Mr. Huddleston was their lead witness and was not able to answer certain questions as he was more of a technical witness; that they had worked with Council Member Berry and set a meeting for Wednesday at 10:00 a.m. with other representatives and their representatives would be there also and they would work vigorously on eliminating the problem of congestion and he wanted protocol to provide notification from the railroads to the City and from the City to the railroads to the extent they faced issues anywhere in the City, but they were concerned about the politics of a federal agency getting resolutions from various cities in the country and being influenced politically by them; that safety was a major factor and injuries had declined 50% for people working in the yards with remote control locomotive devices; that there was also a 14% reduction in train accidents with the devices and he would urge they look at that. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he and other speakers said there were studies that showed safety was not a concern and had improved, but others said just the opposite; and upon questions, Mr. Adams stated that he had not seen the study that the Brotherhood of Locomotive Engineers had undertaken; that they did describe incidents, which most of he would say would have occurred with a conventional locomotive as well, it was what they called a blind shove where too many cars were put on a track and they were derailed at the far end. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that there would never be an attempt to mischaracterize where people had appeared before and he appreciated him appearing; that he would say Mr. Adams reported directly to the president of Union Pacific and he had heard legitimate frustrations on a number of issues; that he appreciated the information and would assure him he would read what he had to offer, but because of the late hour other citizens were present to express views which were very important to a number in the community and on some issues he was going to have to reserve comment, including that covered by him and others, but it was not because of the lack of importance of the issue. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Herb Yambra, P. O. Box 1534, Spring, Texas 77383 (281-440-3629) appeared and stated that he wanted to thank the City Attorneys for drafting the resolutions and he thought they were great; that he also thanked the TIA Committee because they brought them to this floor, but he would say the Canadian rail used the remote control devices differently that here and the Montana rail link and the Tex-Mex railroad, if Union Pacific followed the rules they had for the operations he would not be standing where he was now; that they were not asking them to be banned only used safely. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan moved that the rules be suspended for the purpose of extending time for Mr. Herb Yambra to speak, seconded by Council Member Edwards. No vote was recorded as a quorum was not present. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Yambra further stated that 50 other cities adopted resolutions and Houston was the fourth largest City in the United States and should join; that the resolutions took the liability off the City of Houston and put them on the Federal Railroad Administration and railroads. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Minister Johnny Jeremiah, who previously was added to the list to speak, appeared and stated that Texas was the last state to release slaves and if they loved children they would put this on the Agenda; that this had to be dealt with. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Green moved that the rules be suspended for the purpose of extending time for Mr. Johnny Johnson to speak, seconded by Council Member Khan. No vote was recorded as a quorum was not present. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Johnson stated that Mr. Hall came a long ways and was blessed and he had to speak; that Mayor White was blessed to be in his position; that he was working for God and asking them to do what was right. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he spoke very eloquently and stated that he respected his colleagues who stayed around the table; that some may have had meetings, he knew Council Member Galloway did; and thanked Mr. Johnson for sharing today. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

At 6:56 p.m. upon motion by Council Member Green, seconded by Council Member Khan City Council recessed until 9:00 a.m., Wednesday, April 14, 2004. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 14, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, April 14, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Mr. Eddie Soto, Deputy Agenda Director present.

At 8:19 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:03 a.m. Mayor White reconvened the meeting of the City Council and stated that they would begin with two presentations for the Mayor's Report, the first by Mr. David Saperstein, Chair of the Mayor's Office on Mobility. Council Members Galloway, Goldberg, Edwards and Wiseman absent.

**MAYOR'S REPORT** - A. Briefing on Mayor's Mobility Plan - David Saperstein, Chairman,  
Mayor's Office of Mobility

Mr. Saperstein reviewed the following eight ordinances that they wanted to introduce next week, for the Mayor and Council Members. Council Members Galloway, Goldberg, Edwards and Wiseman absent.

The first ordinance was the ordinance regarding the auto wreckers and basically under the program they would institute a plan where they would divide the freeway system in Houston into 21 segments, those segments would be bid to the tow truck operators through a competitive bidding process, that they looked to the operators to be able to supply adequate equipment to handle any incident that would happen on the freeway in a very short time period, ideally less than six minutes to be on the scene and proceed with the tow, that system in place would then make that tower the only tower on the segment that would be allowed to tow any vehicle on the freeway, whether from an accident or if it was disabled, then all the tows would be considered non consent tows, the tow truck company would also agree to a rate that would be fixed and would agree to service that area 24 hours, seven days a week, and would not receive any consideration from any business that they would tow a vehicle to in return for towing that vehicle there and would agree to their drivers being subject to a background check, including driving record and criminal and a dress code, that they would also agree that effective immediately they would not allow more than four wreckers at the scene of an accident, that the actual rates they had envisioned for vehicles under 18,000 GVW, which were basically the large trucks, were a flat fee of \$50 and a \$1.50 per mile after the first 3 miles, that on the vehicles over 18,000 GVW they were looking at a fee that was basically \$100 to hook, \$100 to lift and \$3.50 a mile from the first mile.

That the second ordinance was an expansion of the Katy Safe Clear Program and basically gave the authority to HPD to issue a remote authorization for a tow citywide.

The third ordinance basically prohibited off duty police officers from directing traffic on the City streets in Houston Monday through Saturday, that they were spending over \$100 million to synchronize traffic signals and upgrade traffic signals throughout the City and if every thirty feet they had an off duty traffic officer directing traffic it was a pretty difficult situation to manage the flow; if a business felt they needed to have an officer direct traffic they would contact HPD for a permit, if HPD agreed that it was justified then they would have an overtime officer respond on duty and would be able to direct traffic, that the officer would be trained by the incident management group in surface street traffic flow and would also understand all the City ordinances and enforce the City ordinances which were currently not being enforced.

The fourth ordinance dealt with parking meter rates, that it was going to allow the City to give a range to the courts to adjust without, every time they wanted to move a rate, going back to City Council, that what it would do was divide the rates into two groups, short term and long term, that short term meters would be typically a meter of five or ten minutes, and long term would be a meter or an hour or more, that more importantly it would change the parking window, where currently existed 7:00 a.m. to 6:00 p.m., Monday through Friday, to 24/7, that did not mean they were going to change every meter to 24/7, that was not the goal.

The fifth ordinance was for truck loading zones, they had loading zones around the City but they seemed to be a place where anybody with a truck could park and spend the day and that resulted in businesses coming to the City and saying they could not park and kept getting tickets because the loading zones were full, that what they were proposing was a Class A, B and C permit and loading zone would be done by permit only, that the Class A permit would be \$1,200 per year and would assure them of two hours parking for loading and unloading purposes in a loading zone for two hours parking up to two meters without having to pay the meter, that a Class B permit would be valid for one year and cost \$300 and they could load and unload for one hour in a loading zone, and a Class C permit was for 21 days and was \$25 and

could be purchased on the internet, that one the other issues was that they planned on putting truck meters in the meter zone for the rare user of the loading zone who just wanted to use it for one or two hours once every couple of months or so.

That the next three ordinances were really ordinances that were designed to reimburse the City for services they were proving now that they were not getting the money back that it cost them to provide those services.

That the sixth ordinance was for the bagging for suspension of metered parking, the current rate was a \$1 and would change to \$5 per day per bag per meter and made it more in line with what the City's costs were to supply that service.

That the seventh ordinance was for street closures or lane closures, which up to now had been granted to any construction that said they needed some space and was provided at no charge by the City, that would change to a \$100 permit fee plus any cost or loss of revenue to the City to provide that service.

That the eighth and final ordinance was the booting of vehicles, it changed the fee from \$100 to \$200.

Mr. Saperstein was questioned at length by the Mayor and Members of Council and a copy of which is available in the City Secretary's office for review. Council Members Goldberg, Garcia and Sekula-Gibbs absent.

**MAYOR'S REPORT** - B. Recommendations regarding the regulation of establishments that serve alcoholic beverages  
Harold L. Hurtt, Police Chief  
Hector Trevino, Acting Fire Chief  
Arturo G. Michel, City Attorney'

Mayor White stated that they had some people with very responsible positions present to brief the Council, and invited Police Chief Harold Hurtt and Acting Fire Chief Hector Trevino to join City Attorney Arturo Michel in making their presentation. Council Members Goldberg, Garcia, Quan and Sekula-Gibbs absent.

Mayor White stated that they were trying to do a lot of work and respond in a timely fashion, that he made a personal commitment to Mr. Kevin Kulow's dad that he would not just let the issue, the places that were open after hours and located in the middle of neighborhoods, be forgotten and recognized Chief Hurtt. Council Members Goldberg, Garcia, Quan and Sekula-Gibbs absent.

Chief Hurtt stated that the purpose of their report was to identify the problems surrounding the criminal activity that occurred in the after hour clubs and the spear of influence of those clubs between the hours of 2:00 a.m. and 7:00 a.m. and then would come back and talk about some of the immediate and long term solutions that they were going to recommend, that the problems and issues surround the clubs that remained after hours, after 2:00 a.m., had a significant impact on the quality of life for local residents as well as the businesses in the greater Houston area, the problems consisted of large crowds, illegal parking, discharging firearms, loud noise, disturbances, drugs, prostitution, public order issues as well as violent crime that not only concerned the people who frequented those clubs, but also the area residents and the businesses, that one of the significant issues involved in the problem was the lack of reporting, it was very infrequent that they got calls from the calls themselves unless the crime or incident was of a very serious nature such as murder, robbery or aggravated assault, that most of the calls were generated from people who lived or worked in the spear of influence of that club, whether it was in a residence or business, and then they only got calls from those people once the criminal activity spilled over into the community or the areas of those businesses, that one

other additional source of information referencing the activity that went on there were the officers themselves when they were on patrol, when they saw activities occurring, as well as the off duty officers that worked at the bars, that to share some statistics for calendar year 2003 with the Mayor and Council, which were statistics that referenced criminal activity, hard line crimes, from the hours of 2:00 a.m. to 7:00 a.m., the crimes that he was going to cover were as follows: aggravated assault 193, arson 1, auto theft 413, burglary 148, forcible rape 6, larceny theft 169, murder non negligent manslaughter 6 and robberies 119 that they all occurred on the premises or in the bar or in the bar parking lot, that it did not include calls that came in from the spear of influence of the establishments, that he thought they were all very much familiar with the incident that the Mayor mentioned where activity at one of the after hour clubs led to the death of one of their public safety servants, that he thought it additionally added some seriousness and urgency to the problem, to give them an idea in the City of Houston for them to respond to the many calls at those establishments, one aggravated assault would require three officers and a supervisor to respond to the scene and then another officer to do the report and take an individual to jail if they were lucky enough to arrest someone, that they were talking in the neighborhood of about 40 minutes at the scene and forty minutes to do the report and move the individual into the jail, that cost was about \$176 per incident, that a minor disturbance where two officers had to respond to one of those establishments would cost the City about \$76, that was for them to go there and try to judicate the matter and about thirty to forty five minutes, that the major concerns, from a police standpoint, was the increase in the number of incidents and the cases that they generated, it had to be followed up on, further investigation, go through the prosecutors office and then through court, that it really presented a drain on the resources they had and they were all very much familiar with the budget situation in the City of Houston and they needed to be able to have their officers in the neighborhoods preventing crimes versus having a great deal of their personnel tied up at the after hour clubs, that after the officers respond to the incidents, as he mentioned, one of the issues they were looking at within the organization, because of the budget situation, was the use of overtime, that officers had to go to court to testify and that again was additional cost for the City, they could be using those resources in the area of prevention and responding to neighborhood problems prior to criminal activity occurring, that he would stop and turn the presentation over to Chief Trevino and would come back and give recommended short term solutions prior to the City Attorney making his presentation. Council Members Lawrence, Goldberg, Ellis, Quan and Berry absent.

Chief Trevino stated that to echo what Chief Hurtt stated, the after hour establishments were also a nuisance to Houston Fire Department and strongly believed that the establishment allowed to remain open after hours directly contributed to the death of Firefighter Kevin Kulow on April 4, 2004, that when there was an immediate threat to life firefighters were trained to weigh the risk to enter those burning establishments in order to save lives and that is exactly what happened on the morning of April 4, 2004, when a crew of Engine 50 entered the burning building in an effort to save lives, that Houston Fire Department also had statistics and they had identified that they averaged about 406 EMS related nightclub incidents per year and it was an average of a little more than one a day and ranged from assaults, shootings, stabbings, overdoses, etc., and in addition they also averaged about 80 nightclub related fire incidents per year, that it was important for them to realize that the longer the establishments were allowed to remain open the higher the potential was for crime and violence and an increase in fire and EMS calls to those establishments. Council Members Lawrence, Galloway, Goldberg, Ellis, Quan and Berry absent.

Chief Hurtt stated that the first recommendation was, and they could do it by Friday night, to start a hot spot task force, that was to identify the most critical locations in the City of Houston that had activity that generated a lot of calls for service, that task force would be comprise of the Police and Fire Departments, Neighborhood Protection, along with assistance from the Texas Alcohol Beverage Commission, what they would do after the locations had been identified was to concentrate on the activity that had been reported there, to try to prevent the reoccurrence, talk to management and make sure that what they were trying to do was have them come into compliance with the laws and to run a business where it would not interfere with the quality of

life of other Houstonians, that the Neighborhood Protection inspectors would look at substandard buildings and license issues, that the Fire Department would look at the fire code issues and the Texas Alcohol Beverage Commission would look at licensing and permitting violations, that they could get the task force up and started by Friday, that another recommendation was that they establish 24 hour tip lines that neighbors and businesses could call in and report to members of the task force activity that was going on in those areas of after hours clubs so they could be added to their list of immediate response, that he knew there had been some questions about off duty officers working at those establishments and they still had criminal activity occur or disturbances, one of the things they were doing was reviewing the off duty or extra duty work policies and procedures, they were looking at increasing audits and inspections of the off duty or extra duty locations as well as looking at the criminal activity that occurred at those places prior to allowing officers to work there versus having that particular location monitored by the task force and also the precinct or station officers, that additionally for more accountability they were in the process of adding a night time and weekend duty captain so they would have a command officer available and very visible and mobile through the City of Houston twenty four hours, seven days a week, that would build in the accountability they were looking for from their officers as well as the owners and operators of those clubs, they were also going to put in place an Assistant Chief who would be on duty or on call from 5:00 p.m. on Friday to 8:00 a.m. on Monday, to respond to those significant events and problem areas and making sure they were aligned in their efforts of bringing about appropriate solutions, that what they were trying to do was be responsive to the concerns of the community and wanted to be responsible to the direction they were getting from the Mayor and City Council as well as to improve the quality of life of individuals that lived and had businesses in the spear of influence at each one of those locations in the City of Houston, that he would turn the presentation for long term recommendations to the City Attorney, Mr. Michel. Council Members Galloway, Goldberg, Wiseman, Ellis and Quan absent.

Mr. Michel stated that they had just heard from the gentlemen next to him the severity of the problem and tremendous and disproportionate burden it put on the City's resources, particularly the Police Department, that one limitation they faced in the State Law was a statute in the Alcoholic Beverage Commission and that statute prevented the City from treating more strictly establishments that were licensed by the Commission than other establishments and as they could imagine that was a barrier to be able to affect that activity between 2:00 a.m. to 6:00 a.m., that what they were doing was going to propose legislation to be considered by the Legislature and the Governor as soon as possible to carve out an exception to that general law, at least for cities of the size of Houston, to be permitted to regulate the hours of establishments that served alcohol after the time for serving alcohol had ended, that their goal was to make sure the statute was not over inclusive, an example would be to allow establishments with a beer or wine permit and were primarily in the food service business to still be within the general statute and not fall into the exception, that they were going to work with the Mayor's staff to work with the interested parties, the restaurant industry for example, to make sure they understood what the City was proposing and to get their support for the process, that they were also going to continue to enforce existing ordinances, public intoxication and noise ordinances, those would continue to be enforced, that he was going to solicit input from his colleagues on where they saw problems or limitations in existing ordinances or in the prosecutions so they could do all that was possible to assist, including trying to work with other jurisdictions who had a role in laws that affected the process, for example the permitting process for alcoholic beverages, they wanted to actively work with the County to have an active role and use that mechanism to try and prevent the problem they were seeing between 2:00 a.m. and the wee hours of the morning. Council Members Galloway, Goldberg and Ellis absent.

Chief Hurt, Chief Trevino and City Attorney Mr. Michel were questioned at length by the Mayor and Council Members. Council Members Galloway, Goldberg, Garcia, Sekula-Gibbs and Green absent.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 13, 38,

39, 12 and 17 out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Garcia and Sekula-Gibbs absent. MOTION 2004-0369 ADOPTED.

13. ORDINANCE approving and authorizing an Electric Supply Agreement with **TEXAS GENERAL LAND OFFICE**; providing a maximum contract amount – was presented.

Council Member Edwards stated that yesterday they had a number of speakers come and speak on Item No. 13 and after those presentations Mr. Larry Baker, former Director of Building Services, contacted her regarding some of the remarks that were made regarding his recommendation on the item, he was concerned and felt that his position had been mis-characterized. Council Members Galloway and Sekula-Gibbs absent.

Council Member Edwards moved to suspend the rules to hear from Mr. Larry Baker at this time, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Holm and Sekula-Gibbs absent. MOTION 2004-0370 ADOPTED.

Mr. Baker stated that he appreciated the opportunity to speak with them, that he was watching the Council meeting yesterday and wanted to come before them and whether he was an active City employee or retired City employee he had a responsibility to explain his recommendation to them, that basically the process was not a hurried process and was something the Building Services did for about five months, they talked to all the individual companies and all the individual submitters and worked alongside their consultant, CDM, and set up a very methodical process to evaluate those submissions, that his recommendation was based upon the information he received from their consultant, CDM, after the process was complete and was basically based upon the possibility of the contract going to the Council and administration, the heat rate pricing, the company profile, the closeness of the submission from the company to what the City of Houston lined out in their contract and their ability to do the job, that after looking at all of that and looking at the recommendation from the consultant and talking with some consultants he provided the recommendation to the Mayor's office. Council Members Galloway and Sekula-Gibbs absent.

Upon questions by Council Members, Mr. Baker stated that his recommendation was Consolidated New Energy, that when he looked at the company profile, Reliant Energy was a representative for the General Land Offer and when he looked at the standards for rating of the companies involved Consolidated New Energy was a better rating and when he looked at guarantee of services, and the consultant put that in their recommendation, for the General Land Offer there was not really a guarantee of service, if there was an interruption of service they would look to have another provider, but they also had an option of terminating the contract, that when they looked at the Consolidated New Energy side they provided a \$10 million guarantee of service so he weighed all of that in his decision, that the General Land Offer actually scored higher than Consolidated New Energy, that in the document he got they were four points higher, that he recalled in the document he got from the consultant the General Land Offer would be \$600,000 cheaper than Consolidated New Energy, however it went on to say that if the process took longer than 21 days then Consolidated New Energy's costs would be lower by \$950,000 than the General Land Offer, given that the Mayor had instructed all of his directors that they were not going to do business as usual he made the decision to recommend Consolidated New Energy, that if they could in fact make their recommendation or approve it today than the document he received from the consultant said they would save \$600,000 with General Land Offer, that they could go with the General Land Offer and have the \$600,000 but they did not have the guarantee so from a business point of view he was looking at the \$10 million; that as to the selection committee, he had his in house expert, Mr. Felix Johnson, who was the lead person on the committee and they made sure they had two other representatives from Building Services and when to the other major user departments, Public Works, Aviation and Convention and Entertainment and asked them who they would like to have on the committee also. Council Members Galloway and Sekula-Gibbs absent.

After further discussion by Council Members, a vote was called on Item No. 13. All voting aye. Nays none. Council Members Galloway and Sekula-Gibbs absent. ORDINANCE 2004-0273 ADOPTED.

38. RESOLUTION opposing the Operation of Remote Control Locomotives on public or private Highway Rail Crossings, Streets, and Railroads within the city limits of Houston; and providing an effective date – **(This was Item 12 on Agenda of April 7, 2004, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. Council Member Galloway absent.

Council Member Wiseman stated that she wanted to extend her thanks to Council Member Alvarado for pursuing the issue on behalf of her constituents and the City as a whole, that she was supportive of the item for the very reason that they were on the City Council to protect the welfare of the people of the City and were given powers and authority to do so, that in regulating the activities of private railroad companies within the City they had an entire chapter in their Code of Ordinances that addressed that and had authority under the Charter to regulate if it was in the best interest of the public, that she was very concerned about remote control operations within the City and most certainly within their roadways and right of ways, that technology was such that when they had advancements that could help them there would always be people that would find a way to manipulate the technology and use it to their advantage and to the public's detriment and that was one of the concerns she had with the remote control of locomotives within the City of Houston, that it was an issue of public safety, that she believed they should pass the resolution and feel confident in letting the federal railroad association know their position on it and that they should never fear their right and obligation to enforce their ordinances and pursue additional ordinances if they should protect the people of the City of Houston because that was what they were on Council to do. Council Members Galloway and Edwards absent.

Mayor White stated that yesterday they had a senior executive of Union Pacific at the meeting who said that why they were concerned with this particular expression of the City's policy to the federal regulatory authority that it would have an impact on their decision making. Council Members Galloway and Edwards absent.

Council Member Sekula-Gibbs stated that was exactly what she was hoping the resolution did, because that was what the representatives in Washington needed to know, they needed to know that the citizens of Houston were very concerned about public safety and their having all of the criteria that attracted terrorists to the City, were definitely of a mind to do what they could to prevent terrorism, that she passed out a map that indicated what the Houston terminal for Union Pacific was and if they would take a look the Houston terminal was not what a bus terminal was, that the terminal actually encompassed 18 rail yards, that it was not a small rail yard, that it was a circumference of 37 miles, that they needed to send a clear message to Washington that they did not want remote control devices being used solely on locomotives in the City of Houston, so she encouraged her colleagues to support the resolution. Council Members Galloway, Edwards and Khan absent.

Council Member Quan stated that public safety obviously was their primary concern and reading over the resolution it was a matter that the Congressional Committee would be looking at and he thought it was their role to speak out when there were issues that affected their City, so in asking the individuals yesterday he thought their goals were the same as the City's, keeping things safe, he did not think there had been an argument made that it was not necessarily a safer way to act, but by the same token thought that they as a City should be inhibited in any way from expressing their views and the points being raised by it were simply the City's views toward public safety and were shared by the railroad and he came to conclude that it was a good resolution and intended to support it as well. Council Members Galloway, Edwards and Khan absent.

A vote was called on Item No. 38. Council Member Ellis voting no, balance voting aye. Council Members Galloway, Edwards and Khan absent. RESOLUTION 2004-0007 ADOPTED.

39. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the payment of fines for citations issued for parking violations on rental vehicles – **(This was Item 13 on Agenda of April 7, 2004, TAGGED BY COUNCIL MEMBER BERRY)** – was presented. Council Members Galloway, Edwards and Khan absent.

Council Member Berry moved to postpone Item No. 39 for one week, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0371 ADOPTED.

12. ORDINANCE establishing City of Houston election precincts and designating polling places for the City of Houston special election to be held on May 15, 2004; containing findings and other provisions related to the subject; providing for severability – was presented. Council Member Galloway absent.

Council Member Edwards moved to suspend the rules to hear from Mr. Don Cheatham, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway and Wiseman absent. MOTION 2004-0372 ADOPTED.

Upon questions by Council Members, Mr. Cheatham stated that the list that was accompanying the ordinance was not final, there were still a number of locations that were being worked on and would like to convey to the Council Members that they were working diligently to co-locate as much as possible the polling locations for the City's election with numerous other school district, utility districts and other type of elections going on, but they did still have some issues in that regard, that they had a little working committee with representatives of various communities to help them in the effort, that one of them was Representative Senfronia Thompson, who was very helpful in giving them input, but the list they saw before them was as far as they had gotten, they wanted to put something before the Council because they were about to enter upon the publication period for the election but they would continue to work on the list and if any Member of Council had a specific concern about a location if they would let him know they would sit down with them and try to work out any questions or issues they may have. Mayor White and Council Member Galloway absent. Council Member Alvarado presiding.

After further discussion a vote was called on Item No. 12. Council Member Garcia voting no, balance voting aye. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0274 ADOPTED.

17. ORDINANCE adopting certain amendments to the City of Houston's Emergency Home Repair Program ("Program") Administrative Guidelines and authorizing the expenditure of \$2,000,000.00 of Federal Community Development Block Grant Funds to implement the program as amended – was presented. Council Member Galloway absent.

Council Member Edwards stated that she wanted an update and asked if the home emergency program back in gear and Mayor White stated yes, that HUD approved changes in the program, that special recognition to Ms. Daisy Stiner, Ms. Ann Travis, Mr. Terrance Fontaine, Mr. Rick Campo, the home builders association and Members of Congress, that in December the program was suspended and was a top priority of the administration to get back on track and yesterday he approved the City's changes in the program. Council Member Galloway absent.

A vote was called on Item No. 17. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0275 ADOPTED.

Council Member Ellis moved to suspend the rules to consider Item Numbers 36, 36a, 36b, 36c and 36d out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0373 ADOPTED.

36. ORDINANCE relating to charges and terms of service for Water and Wasterwater Service; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCE, HOUSTON, TEXAS** and containing finding and other provisions relating to the foregoing subject; providing a repealing clause; providing for severability – was presented.

Council Member Sekula-Gibbs stated that she was going to tag the item and wanted to ask for delineation on the cost of the bond sale with further explanation on how they validate the \$40 million in present value savings that it had been stated that would be generated for the City, that it was not clearly stated in the backup on how it was justified, if it could be explained and brought to her office, that she would like to see some discussion of some of the rates being more fairly distributed, that it was a burden shared by every member of Houston's broad family and everyone had a vested interest in paying for drainage and they all wanted the best for the City. Council Member Galloway absent.

Mayor White stated that he would ask the F&A Director, including the City's Financial Counsel, to provide her with present value calculations, that he would say that he thought they understated the savings they would have because when interest rates went lower they changed the discount rate, but they would provide her with that information, that as to the second issue, he would ask Mr. John Baldwin to be available to brief some Council Members concerning issues involving the rate structure, that he had not discussed it with Council Member Ellis but he would like to have a procedure by which those concerns based on the sharing of information with Mr. Baldwin were communicated, if he would ask the responsibility, so that there was an orderly process on it and assist in communication so they would get full input from Council Members on the issue during the week if people had specific items and that they confer and make some decisions which represented, as best they could tell, some consensus, that he would share with his colleagues some of the issues that were raised when they got into the particular rate structure, which could be completed, there were some legal issues that were involved in the rate structure and there was also the one practical issue that they had tried to get the best possible service and most with the minimum rates that they could, a rate increase, through all the financial structuring. Council Member Galloway absent.

Council Member Ellis stated that it was his intention to try to find some time to schedule a meeting for the Fiscal Affairs Committee to go through the ordinances and RCA's that had been put before them, that there had been some groups that had come to him that were not sure that the rate increase was fair and equitable and believed they needed the week of the tag, that he did not pretend to understand everything about the rate adjustment and was happy to have Mr. Baldwin come to the committee meeting and explain it to them as a body but also he encouraged him to get with the apartment association because they felt that heir adjustment was too high compared to residential and so forth; that he had questions with regard to the restructuring that was in the RCA, that it read that "the General Purpose Fund may be used for capital expenditures, payment and general obligation debt originally issued for water and sewer purposes and other water and sewer system needs", which he thought was appropriate, but then it went on to say "that the money in the General Purpose Fund may also be used for other purposes that were not water and sewer related", that he needed to have that explained to him; that when they started to talk about the automatic rate adjustment, which he did not take issue with because it was going to be tied into CPI, what he was trying to understand was the process by which they adjusted or did not adjust from the standpoint of do they approve the Capital Improvement projects for the next year at the same time that the CPI rate adjustment occurs or

did it occur prior to that, that he would like to understand the policies and approach of how they were going to do that in future years; that as they got into the supplement ordinance with regard to dealing with the different investment banking firms, on three of the issues they had negotiated contracts and on another one they had a competitive contract and wanted somebody to explain to him why they did it that way; and lastly, he thought that Bank One and J.P. Morgan had merged and did not understand why they both showed up, that he may be wrong they may not have merged, that those would be the questions that he had. Council Member Galloway absent.

Mayor White stated that Ms. Johnson should be watching the meeting and people should be prepared to answer all of those questions. Council Member Galloway absent.

Council Member Holm stated that she thought it was an incredibly huge step they were taking, both in the restructuring and the rate increases and their intent was to fund specifically the storm water, that she was looking for some discussion as to how they could go about securing that. Council Member Galloway absent.

Council Member Edwards stated that they were having a flooding committee meeting on Monday and if Council Member Ellis wanted to share they could have Mr. Baldwin come to the meeting, that the meeting was at 3:00 p.m. and Council Member Ellis stated that he thought it was more appropriate if they did it as a combined meeting. Council Member Galloway absent.

Council Member Lawrence stated that she thought they all wanted to make sure it was a dedicated fund and not a slush fund. Council Member Galloway absent.

Council Members Wiseman and Garcia requested their names be included in the tag. Council Member Galloway absent.

After further discussion, Council Member Edwards stated that the process for the meeting was for the speakers to show up and sign up to speak. Council Member Galloway absent.

36a. ORDINANCE authorizing and providing for certain amendments to the City of Houston, Texas, Water & Sewer System Bond Ordinance; making other provisions regarding such amendments and matters incident thereto; and declaring an emergency – was presented, and tagged by Council Members Wiseman, Holm, Sekula-Gibbs, Quan and Khan.

36b. ORDINANCE providing for issuance of City of Houston, Texas, Combined Utility System Revenue Obligations, providing for the payment thereof; making other provisions regarding such obligations and matters incident thereto, including covenants and agreements relating to the operation and management of the Combined Utility System, the revenues derived from its operation and ownership, the establishment and maintenance of funds and accounts for the payment of such obligations, specifying the terms and conditions for the issuance of such obligations and other matters incident and related to their issuance and security – was presented, and tagged by Council Members Wiseman, Holm, Sekula-Gibbs, Quan, Khan and Garcia.

36c. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, combined utility system first lien revenue refunding bonds in several series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Water and Sewer System Commercial Paper Notes and certain Water and Sewer System outstanding bonds; authorizing the execution and delivery of escrow agreements; authorizing the purchase of and subscription for

certain escrowed securities; authorizing qualified hedge agreements with respect to the bonds; authorizing bond insurance, reserve fund surety policies, escrow verification and engagement of escrow agents, a co-bond counsel agreement, special disclosure co-counsel agreement supplemental financial advisor agreement, swap advisor agreement, and agreements with respect to payment of bond counsel and financial advisor fees of the Texas Water Development Board; authorizing execution and delivery of a paying agent/registrar agreement – was presented, and tagged by Council Members Wiseman, Holm, Garcia, Sekula-Gibbs, Khan and Quan.

- 36d. ORDINANCE ratifying and confirming the Stormwater Utility Fund, as previously created, amending prior Ordinances related to such fund, renaming and modifying the purposes for which such fund may be used; rescinding the prior funding sources of such fund; providing that all transfers from the General Purpose Fund under the combined utility system Ordinance be made to the re-named Stormwater Fund – was presented, and tagged by Council Members Lawrence, Wiseman, Holm, Sekula-Gibbs, Quan and Khan.

### **CONSENT AGENDA NUMBERS 1 through 36d**

#### **MISCELLANEOUS** - NUMBER 3

3. RECOMMENDATION from Chief of Police for Injury on Duty status for Police Officers **EDWARD BOROWSKI** and **WARREN JONES** – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0374 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBER 9 and 10

9. **WILLIS DEMOLISHING/DISPOSAL CO.** for Demolition Services for Planning & Development Department - \$54,800.00 and contingencies for an amount not to exceed \$57,540.00 Dangerous Building Consolidated Fund - **DISTRICTS B - GALLOWAY; D - EDWARDS; H - GARICA and I - ALVARADO** – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays None. Council Members Galloway and Berry absent. MOTION 2004-0375 ADOPTED.
10. **AMEND MOTION #2001-651, 6/13/01, TO EXTEND** expiration date from June 25, 2004 to June 24, 2005, for Water Kits, Colilert Reagents Contract for Various Departments, awarded to **IDEXX DISTRIBUTION CORPORATION** – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays None. Council Members Galloway and Berry absent. MOTION 2004-0376 ADOPTED.

#### **ORDINANCES** - NUMBERS 14 through 34

14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of four utility easements, containing an aggregate of 7,940 square feet of land, more or less, as well as the aerial easements adjoining two of the utility easements, all being out of a called 5.42-acre tract, as a whole situated in the E. R. Hale Survey, Abstract 374 and the C. Goodrich Survey, Abstract 306, Harris County, Texas with all abandonment easements being situated in the C. Goodrich Survey, Abstract 306, Harris County, Texas; vacating and abandoning (i) a 20-foot-wide utility easement and (ii) a 10-foot-wide utility easement, Parcels SY3-059A and SY3-059B, respectively, together with the latter's adjoining aerial easements, to Sunrise Village Apartments, L. P., abutting owner, and vacating and abandoning (iii) a portion of a 20-foot-wide utility easement and (iv) a 10-foot-wide utility easement, Parcels SY4-008A and SY4-008B, respectively, together with the latter's adjoining aerial to Full Gospel Church of Love in Christ, abutting owner, in consideration of abutting owners' payment of \$4,450.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting

aye. Nays None. Council Members Galloway and Berry absent. ORDINANCE 2004-0276 ADOPTED.

21. ORDINANCE appropriating \$900,000.00 out of the Houston Airport System Consolidated Fund No. 548 and approving and authorizing the execution of comprise and settlement agreement between **MANHATTAN CONSTRUCTION COMPANY, INC** and the City of Houston to settle a claim - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays None. Council Members Galloway and Berry absent. ORDINANCE 2004-0277 ADOPTED.
26. ORDINANCE appropriating \$3,515,006.03 out of the Street & Bridge Consolidated Construction Fund and \$722,093.23 out Water & Sewer System Consolidated Construction Fund and approving and authorizing an advanced funding agreement between the City and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Ley Road grade separation from North Wayside to Harris County Flood ditch H-119-00 CIP N-587B-01-3, R-0521-15-3, S-0521-17-3 (N-587B-01) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays None. Council Members Galloway and Berry absent. ORDINANCE 2004-0278 ADOPTED.
27. ORDINANCE appropriating \$13,259.38 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract between the City of Houston and **BERTHA PEREZ** for Construction of 8-inch Water Line along Intervale Street, CIP S-0802-17-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays None. Council Members Galloway and Berry absent. ORDINANCE 2004-0279 ADOPTED.
28. ORDINANCE appropriating \$15,987.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation contract between the City of Houston and **MICHAEL R. KRIEGER** for Construction of Water and Sanitary Sewer Lines along Alexander Street CIP R-0802-19 -03 - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays None. Council Members Galloway and Berry absent. ORDINANCE 2004-0280 ADOPTED.
29. ORDINANCE appropriating \$25,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation contract between the City of Houston and **HOME ART CONSTRUCTION, INC** for Construction of Water and Sanitary Sewer Lines to serve the Bauman Road Development; CIP R-0802-17-03 - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays None. Council Members Galloway and Berry absent. ORDINANCE 2004-0281 ADOPTED.
34. ORDINANCE awarding contract to **AAR INCORPORATED** for post closure soil removal action at Richmond Avenue and Mandell Street GFS F-0509-03-5; providing funding for sampling, monitoring and contingencies relating to construction of facilities financed by Parks General Fund 100 - \$292,069.00 - General Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays None. Council Members Galloway and Berry absent. ORDINANCE 2004-0282 ADOPTED.

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

**MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON MEDIA SOURCE BOARD OF DIRECTORS**, to complete unexpired terms ending December 31, 2005:  
Position Two - **MS. MARILYN LINLEY**, reappointment

- Position Six - **MR. BINH NGUYEN**, appointment
- Position Eight - **MR. GEORGE NWANGUMA**, reappointment
- Position Ten - **MR. CARLOS SERA**, reappointment
- Position Twelve - **MR. MUSTAFA TAMEEZ**, appointment
- Position Fourteen - **DR. GARTH JOWETT**, reappointment

- was presented, moved by Council Member Ellis, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0377 ADOPTED.

Mayor White stated that they may have Members of the Board present and asked that they stand and be recognized. Council Members Galloway and Berry absent.

Council Member Holm moved to remain in session beyond the scheduled noon recess to complete the Council meeting, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0378 ADOPTED.

2. RECOMMENDATION from Director Houston Airport System for approval of membership fees in Industry Organizations (Airport Council International & American Association of Airport Executives) for the period January 1, 2004 through December 31, 2004 - \$177,200.00 Enterprise Fund – was presented, and tagged by Council Member Wiseman. Council Members Galloway and Berry absent.

#### **ACCEPT WORK**

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$911,897.53 and acceptance of work of the Surety, **CAPITAL INDEMNITY CORPORATION** on contract awarded to **MEB ENGINEERING, INC** for Construction of Lockwood Bridge over Hunting Bayou and approach Roadway Improvements, GFS N-0445J-01-3 - 04.21% over the original contract amount - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Ellis. Council Members Galloway and Berry absent. (Note: Council Member Ellis released his tag later in the meeting.)

#### **PURCHASING AND TABULATION OF BIDS**

5. **TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification/ Re-certification of Firefighters for Fire Department - \$107,410.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0379 ADOPTED.
6. **VALERO MARKETING AND SUPPLY COMPANY** for spending authority to purchase Ultra-Low Sulfur Diesel Fuel from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department - \$355,000.00 - Central Service Revolving Fund – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0380 ADOPTED.
7. **SIRCHIE FINGER PRINT LABORATORIES, INC** - \$43,478.38, **TRI-TECH, INC** - \$42,788.17 and **LYNN PEAVEY COMPANY** - \$26,203.19 for Fingerprint Supplies for Houston Police and Fire Departments - General Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0381 ADOPTED.

8. **MOORE MEDICAL CORPORATION (Bid No. 4)** - \$48,205.00 minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$1,446.15 for a net award amount not to exceed \$46,758.85 for Emergency Medical Supply Bags for Fire Department - General Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0382 ADOPTED.

**ORDINANCES** - NUMBERS 11 through 35

11. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Appointment of Alternate Appraisers for certain real estate transactions; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Wiseman. Council Members Galloway and Berry absent.
15. ORDINANCE approving and authorizing the Mayor to execute and the City Secretary to attest a lease agreement between **INTERVEST-HOUSTON NLW, LTD., as landlord**, and the City of Houston, Texas, as tenant, for Office Space at 1415 North Loop West, Houston, Texas, for use by the Houston Police Department - **DISTRICT A – LAWRENCE** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0283 ADOPTED.
16. ORDINANCE amending Ordinance No. 2003-0620, passed June 25, 2003, which, among other things, approved and authorized the submission of the 2003 Consolidated Plan and Grant Application for the 29th Community Development Block Grant (“CDBG”) Program, among others, to the United States Department of Housing and Urban Development (“HUD”) under the authority of Title I of the Housing and Community Development Act of 1974, as amended – was presented.

Council Member Holm stated that she was very supportive of the role that trees played in the environment, but as the RCA came forward it appeared to her that an agreement had been made that may have not been in the best interest of the City, that she had talked with Ms. Stiner that it was an ordinance strictly proposing the expenditure of the funds toward facilities and tree planting and that they would have an opportunity now to go forward in making sure they secure an agreement or contractual arrangement with parties that truly would be benefiting and working as a partnership with the City and not in any other interest other than to better serve and work on the behalf of the community, and Mayor White stated that was correct. Council Members Galloway and Berry absent.

A further discussion a vote was called on Item No. 16. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0284 ADOPTED.

- 16a. RECOMMENDATION from Finance & Administration Department for the purchase of a Ambulance, a Squad Utility Vehicle and a Pumper Truck for the Fire Department from the **HOUSTON-GALVESTON AREA COUNCIL** for \$560,390.00 - Grant Fund – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0383 ADOPTED.
18. ORDINANCE appropriating \$1,000,000.00 out of Homeless and Housing Consolidated Fund and approving and authorizing City of Houston to enter into contract with **HOUSING AUTHORITY OF THE CITY OF HOUSTON**, to provide funding for Handicap Accessibility Improvements to various public housing developments - **DISTRICTS B - GALLOWAY; D - EDWARDS; F - KHAN; H - GARCIA and I – ALVARADO** – was presented, and tagged by Council Member Wiseman. Council Members Galloway and Berry absent.

19. ORDINANCE appropriating \$552,555.00 out of Airport System Consolidated 2000 AMT Construction Bond Fund; authorizing the expenditure of \$1,493,945.00 out of funds appropriated by Ordinance 2003-664; approving the purchase of approximately 55.55 acres of land out of the J. B. Brockman Surveys, A-1647 and A-1648, Houston, Harris County, Texas, for the Expansion of Hobby Airport CIP A-0170 and the Jahnke Fire Training Facility, CIP C-0068; approving purchase and sale agreement with **LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.**, to acquire the land - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Wiseman. Council Members Galloway and Berry absent.

Council Member Wiseman stated that on Item No. 19 the RCA showed that the location was in District I when in fact it was in District E and involved the same issue that was addressed last year with respect to three different groups courting the same piece of property, that she had not been notified back then on what was going on and raised some serious issues at the table with respect to that issue and now they had before them once again indicating that it was in another district and she had not been contacted about it so she would tag the item and ask that the department representatives meet with her on it. Council Members Galloway and Berry absent.

20. ORDINANCE appropriating \$455,000.00 out of Airport System 2000B NON-AMT Construction Bond Fund; authorizing purchase of certain tracts of land and improvements thereon out of Greenview Manor Section Two and Beeler Subdivision, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-26.1; approving purchase and sale agreements with the owners of the land (Mark G. Anthony Jr. and Kimberly Anthony; Edward O. Coleman; and J. J. Galvan and Sandy Galvan) - **DISTRICT B – GALLOWAY** – was presented. Council Members Galloway and Berry absent.

Council Member Wiseman stated that she would not be tagging the item but would like to meet with a representative from Aviation to discuss airport buyout which was an issue that was of great interest to her. Council Members Galloway and Berry absent.

A vote was called on Item No. 20. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0285 ADOPTED.

22. ORDINANCE appropriating \$900,00.00 out of the Houston Airport System Consolidated Fund, and approving and authorizing the execution of a compromise and settlement agreement to settle a lawsuit styled **SWINERTON BUILDERS, INC. F/K/A SWINERTON AND WALBERG CO. v City of Houston**; Cause No. 2002-30799, now pending in the 164th Judicial District Court of Harris County, Texas - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0286 ADOPTED.

23. ORDINANCE appropriating \$612,056.00 out of Airports Improvement Fund, CIP A-0463, awarding construction contract to **BOYER, INC** for Treatment Recovery System at George Bush Intercontinental Airport/Houston (IAH), Project No. 605D; providing funding for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0287 ADOPTED.

24. ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and the **HARRIS COUNTY FLOOD CONTROL DISTRICT (HCFCD)** for the use of HCFCD'S land adjacent and contiguous to Reveille Park - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0288 ADOPTED.

25. ORDINANCE approving and authorizing a contract between the City of Houston and the **HARRIS COUNTY FLOOD CONTROL DISTRICT (HCFCD)** for the use of HCFCD'S land adjacent and contiguous to Woodland Park - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0289 ADOPTED.
30. ORDINANCE appropriating \$466,600.00 out of the Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **PEPE ENGINEERING, LTD.**, for the design of water line replacement in the Nance Subdivision CIP S-0035-C-9-2 (WA10791); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0290 ADOPTED.
31. ORDINANCE appropriating \$450,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional traffic engineering services contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for Signal Timing Optimization and Implementation, GFS N-0650-16-2 (SB9050-04); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented, and tagged by Council Member Goldberg. Council Members Galloway and Berry absent.
32. ORDINANCE appropriating \$550,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional traffic engineering services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Signal Timing Optimization and Implementation, CIP N-0650-17-2 (SB9050-05); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0291 ADOPTED.
33. ORDINANCE appropriating \$330,000.00 out of the Street & Bridge Consolidated Construction Fund as an additional appropriating under professional engineering services contract between the City and **SADEGHPOUR & ASSOCIATES, INC d/b/a SCIENTECH** (approved by Ordinance No. 2000-0077) CIP N-0445-N-20-2 (SB9005) - \$292,096.00 - General Fund – was presented, and tagged by Council Member Green. Council Members Galloway and Berry absent.
35. ORDINANCE appropriating \$801 704.88 out of the Public Library Consolidated Construction Fund, awarding construction contract to **CARRERA CONSTRUCTION, INC** for Lakewood Branch Library Renovation, GFS E-0057-01-3, Flores Branch Library Renovation, GFSE-0010-01-3 and Pleasantville Branch Library, GFS E-0061-01-3; providing funding for engineering testing services, funding for Environmental Air Monitoring Services, funding for Civic Art Program and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund and Community Development Block Grant Funds - \$1,380,000.00 Community Development Block Grant Fund - **DISTRICTS B - GALLOWAY and H - GARCIA** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0292 ADOPTED.

**MATTERS HELD** - NUMBERS 37 through 44

37. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,023,531.81 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of 54-inch Water Main along Victory, West Little York, Langfield, and West Tidwell from Antoine to Hollister - Contract

54B-1, GFS S-0900-61-3 (WA10634) - 03.79% over the original contract amount - **DISTRICT A – LAWRENCE – (This was Item 7 on Agenda of April 7, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. Council Members Galloway and Berry absent.

Council Member Green moved to postpone Item No. 37 for two weeks, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0384 ADOPTED.

40. ORDINANCE awarding contract to **INFRASTRUCTURE SERVICES, INC** for Concrete Pavement Repair Services Contract for Public Works & Engineering Department; providing a maximum contract amount - 1 Year with four one-year options \$10,021,500.00 - General Fund – **(This was Item 25 on Agenda of April 7, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0293 ADOPTED.
41. ORDINANCE appropriating \$82,770.29 out of Street & Bridge Consolidated Construction Fund for payment to the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the City's obligation under an interlocal agreement (C#52864) pertaining to the Congestion Mitigation and Air Quality Program (CMAQ) (approved by Ordinance No. 2001-0579) - **DISTRICTS B - GALLOWAY; E - WISEMAN; H - GARCIA and I – ALVARADO – (This was Item 26 on Agenda of April 7, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0294 ADOPTED.
42. ORDINANCE appropriating \$200,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for professional engineering services contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for City-wide On-Call Transportation Engineering Services (approved by Ordinance No. 2003-0520), CIP N-0650-10-2 – **(This was Item 27 on Agenda of April 7, 2004, TAGGED BY COUNCIL MEMBERS ALVARADO, GARCIA, GALLOWAY and GOLDBERG)** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0295 ADOPTED.
43. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,428,159.00 and acceptance of work on contract with **METSO AUTOMATION, INC** for Wastewater SCADA System - Major Plant Integration, GFS R-0512-04-3 (4749-1) – **(This was Item 39 on Agenda of April 7, 2004, POSTPONED BY MOTION #2004-353)** – was presented, moved by Council Member Goldberg, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0385 ADOPTED.
44. ORDINANCE appropriating \$964,524.98 out of Series E Commercial Paper Metro Projects Fund, awarding contract to **TJ&T ENTERPRISES, INC** for Kingwood Drive Paving from Willow Terrace Drive to Hidden Lakes Drive, GFS N-0644G-01-3 (SB9009-02); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund - **DISTRICT E – WISEMAN – (This was Item 41 on Agenda of April 7, 2004, POSTPONED BY MOTION #2004-354)** – was presented.

Council Member Wiseman moved to postpone Item No. 44 for two weeks, seconded by Council Member Green. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0386 ADOPTED.

Council Member Ellis stated that he wanted to release his tag on Item No. 4. Council Members Galloway and Berry absent

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$911,897.53 and acceptance of work of the Surety, **CAPITAL INDEMNITY CORPORATION** on contract awarded to **MEB ENGINEERING, INC** for Construction of Lockwood Bridge over Hunting Bayou and approach Roadway Improvements, GFS N-0445J-01-3 - 04.21% over the original contract amount - **DISTRICT B – GALLOWAY** – was again before Council, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0387 ADOPTED.

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

Council Member Alvarado stated that they were having a meet and greet in District I with the new Police Chief on Thursday at 6:30 p.m. at the Latino Learning Center at the corner of Scott and Polk, that the community and her colleagues were invited to attend. Council Members Galloway, Goldberg and Berry absent.

Council Member Alvarado stated that she wanted to thank the IT Department, that she had noticed a tremendous cutback on the amount of spam that was coming through on the Blackberry's and computers. Council Members Galloway, Goldberg and Berry absent.

Council Member Alvarado stated that she wanted to thank the Mayor and her colleagues for supporting the remote control resolution, that she appreciated the administration putting it on the agenda, they had been working on it sometime and appreciated everyone's interest in it. Council Members Galloway, Goldberg and Berry absent.

Council Member Sekula-Gibbs stated that yesterday she talked to the Mayor privately about reestablishing Council oversight for the Municipal Employees Pension Board and had in the past submitted a written request for an investigation into how the City found itself in a \$1.5 billion un-funded liability for the pension fund, that last night she had the opportunity to go to Kingwood to discuss with some citizens there the issue of the upcoming May 15, 2004 opt out election on Proposition 15, that the citizens were very concerned about it and were willing and interested in supporting and giving the Mayor flexibility to negotiate a feasible, economically appropriate pension plan that would survive the turbulent stock market and yet be fair to employees, that everyone seemed very supportive of the loyal City employees but yet foresaw difficulty if they did not have the opportunity to negotiate, but at the same people wanted accountability, that she submitted a memo to the Mayor and Council Members that basically requested to have the City Controller or her designee to have a seat on the pension board, but they needed to have City Council representation reestablished on the board. Council Members Galloway, Goldberg and Berry absent.

Council Member Sekula-Gibbs stated that a member of her extended family had passed away in the line of duty, Private First Class Dustin Sekula from Edinburg, that he was a member of the Second Battalion Seventh Marine Regiment and requested a moment of silence. Council Members Galloway, Goldberg and Berry absent.

Council Member Sekula-Gibbs stated that it was a very important week for veterans, that it was Paralyzed Veterans Week and wanted to pay special tribute to all the veterans who were paralyzed, that they knew they had a special challenge and wanted to acknowledge that the Paralyzed Veterans Association was out there doing their best to bring them support and love and bring them back into full activity into society. Council Members Galloway, Goldberg and Berry absent.

Council Member Khan stated that on the pension issue he wanted to inform everybody that on May 3, 2004 at 5:30 p.m. they would be holding a townhall meeting at the Strake Jesuit School, at Bellaire and Gessner, that everyone was invited to come to the meeting, that they

would try to explain the details of the referendum. Council Members Galloway, Goldberg and Berry absent.

Council Member Khan stated that he received a memo from Council Members Sekula-Gibbs and Edwards supporting the City Controller to be on the pension board and reinstating Council appointees. Council Members Galloway, Goldberg and Berry absent.

Council Member Khan stated that yesterday there was some discussion about rental car fees and they talked about inefficiencies in the Municipal Court system and he alluded to the Mayor a request to please look into implemented a total car rental management system and they could use maybe the Municipal Court system as a pilot program and see how it worked, that in the private sector whoever was implementing Total Quality Management was seeing tremendous benefits, that the City could use implementation of Total Quality Management system, TQM, that maybe they could look into starting it as a pilot program in one department and then extend it to other departments, that he thought the City could definitely benefit from it. Council Members Galloway and Berry absent.

Mayor White stated that it was a point well taken, that he had personally had some experiences applying TQM programs within governmental organizations. Council Members Lawrence, Galloway and Berry absent.

Council Member Ellis stated that they were going to have a special Fiscal Affairs committee at 2:00 p.m. this afternoon in reference to the REV Cap petition that the referendum would be voted on in November, and encouraged everyone to attend, that they had said in past meetings that they were not afforded the opportunity to present their referendum so that was what they were going to do today. Council Members Lawrence, Galloway and Berry absent.

Council Member Ellis stated that with regard to what Council Member Sekula-Gibbs had stated about the pension board, he wholeheartedly agreed but did not understand the process of how they would reestablish the two appointees to the pension system, that he had talked to the Controller about her having a representative or her serving and thought it was a great idea but did not understand the process of how they would go about it, that in the upcoming weeks he would like to explore that with the Mayor. Council Members Lawrence, Galloway and Berry absent.

Council Member Goldberg stated that he would also like to explore what the pension board could and could not do and what they used their funds for in terms of lobbying, and what according to the City Attorney what they could use their funds for regarding the pension board. Council Members Lawrence, Galloway, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that a couple of terms ago he addressed a problem with Public Works about the overlays they did, they would present his office with a list of streets they were going to overlay and he would amend and change the list, that he wanted to thank Public Works because they followed every single recommendation that he made and overlaid the streets that he recommended and it had really worked out well, that there was one problem, he asked them that on some streets to back off about a foot and a half off of the curb and then the engineering and design for the street would stay in place and the water could run off and there would be no ponding or if there was ponding before it would not change anything, but they were not doing it, they overlaid all the way to the curb and now he had complaints from people who had ponding right in front of their homes where it never was before, that he needed to talk to someone about it or talk to the overlay companies. Council Members Galloway, Alvarado, Sekula-Gibbs and Berry absent.

Mayor White stated that he would get a report from Mr. Fiederlein and in his regular weekly meeting with Mr. Vanden Bosch he would bring it up to him and try to get a response to Council Member Goldberg. Council Members Galloway, Sekula-Gibbs, Quan and Berry absent.

Mayor White stated that on his first issue he had asked Council Member Goldberg, as Chairman of the Regulatory Affairs Committee, for a report on two particular issues, that number one there were some statements concerning professional employees, the Municipal Employee Pension Board and their own pensions and what were the conflict of interest rules for those who should be negotiating on the behalf of the majority of employees and retirees and the protections that somebody was not bargaining on their own behalf, that they knew they would be illegal under civil law, and number two was the issue of what were the rules and how had they been followed concerning advocacy expenses by somebody who had pension funds, that he did not know what the facts were but if Council Member Goldberg's committee could have a hearing and report back concerning what the facts on those issues were he would appreciate it, that if there was a lack of cooperation the City Attorney's office would assist him. Council Members Galloway, Sekula-Gibbs, Quan and Berry absent.

Council Member Wiseman stated that she wanted to express her thanks for the assistance from Mr. Fontaine for the need to return a boat to one of the Kingwood fire stations, that they had two boats which had been removed for maintenance purposes and they had gone two weeks without it, that she called on him on a Friday afternoon and very quickly he assisted and they had a boat back in place, that she wanted to thank Chief Simms for the assistance he provided and the follow up. Council Members Galloway, Sekula-Gibbs, Quan and Berry absent.

Council Member Wiseman stated that once again she requested information, that Station 102 was still awaiting the fire truck that was on order, that the booster and pumper were supposed to respond to calls together and there were recorded incidents where that was not being done and they had occasions where hours go by that there was no backup because one or the other was out of service for whatever reason, that it was a great concern for her, that she had yet to hear from the department, that she wanted information on why it was that they had a lapse, why it was that they were not implementing that backup plan. Council Members Galloway, Sekula-Gibbs, Quan and Berry absent.

Mayor White stated that Chief Simms was in the audience and he wanted information if there had been a change in the policy and why decisions were made, to please report that to Council Member Wiseman. Council Members Galloway, Sekula-Gibbs, Quan and Berry absent.

Mayor White stated that Mr. Baldwin provided Council Members certain information yesterday at the meeting, that they had expressed some concerns about the manner in which Kingwood had been treated on water and sewer following annexation, if Council Member Wiseman thought it was advisable for them to explore certain options which were discussed in a preliminary manner and wanted to move on an expedited basis to feel free to call him so that there were options on the table at the time they needed to vote on the drainage plan and so people would know that they were not ignoring the concerns of citizens in that area, and Council Member Wiseman stated that she wanted to express to Mayor White her gratitude for the manner in which he approached with sincerity the concerns that they had in Kingwood and for his effort in trying to find a solution, and her appreciation for the work that Mr. Baldwin had done, that he had committed a great deal of time and effort on it, that she was very much interested in seeing what they could do and seeing how they could proceed quickly, and Mayor White stated that if she thought the idea was worth pursuing then he needed her to be responsible to reaching out to stake holders to get their reactions and answer their questions to help decide if it was worth taking the next step. Council Members Galloway, Sekula-Gibbs, Quan and Berry absent.

Council Member Green stated that he wanted to echo the sentiments of his colleagues in their trying to figure out a way to regain some of the oversight that he thought the Council had lost when it came to the pension board, that on the other side when it came to the election in May he would like to encourage the administration and his colleagues to do as much as they possibly could to get the locations of the polling places into the hands of the people who needed

to vote on it, that they needed to do everything in their power to make sure it was an equitable campaign. Council Members Galloway, Quan, Sekula-Gibbs and Berry absent.

Council Member Green stated that on April 24, 2004 from 10:00 a.m. to 2:00 p.m. at the George R. Brown Convention Center his office would be hosting a community development seminar called "The Nuts and Bolts of Community Development" where they were bringing in people from the community along with various City Departments who would give information about what each department had to offer in the way of taking the initiative into their own hands about revitalizing their own communities, that he would like to encourage the citizens to take advantage of that, that the parking would be free and lunch would be provided. Council Members Galloway, Quan, Sekula-Gibbs and Berry absent.

Council Member Green stated that the Alpha Kapa Alpha Sorority was having their South Central Region Convention at the Westin Hotel and there would probably be in excess of 10,000 members of the sorority, that it was the oldest African American sorority, that the Mayor would be participating in some of the events. Council Members Galloway, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Green stated that on the weekend of April 30<sup>th</sup> the University of Houston Black Alumni Association was hosting its Spring Fling, that it would be a family weekend. Council Members Galloway, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Green stated that he wanted to give kudos to Ms. Dawn Ullrich, Convention and Entertainment and Mr. Jordy Tollett, Convention and Visitors Bureau, that he had some constituent issues that had come up and needed some assistance and Dawn and Jordy had really bent over backwards to help him help some groups. Council Members Galloway, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she was excited about the can do spirit of the Council especially about the report from Chief Hurtt this morning and wanted to encourage them to bring that same enthusiasm to the communities because they had areas where their senior citizens were literally held hostage by those types of behavior at high noon, so whatever they could do after hours hopefully they could do at 12:00 p.m. in certain communities, that she would love to be a part of helping them identify those areas and working with the community. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she wanted to have an update on the U Call We Haul Program, that she wanted to know how it was working. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that tomorrow evening at Minute Maid Stadium Mr. Jackie Robinson would be honored, that she wanted to applaud the baseball association for recognizing an awesome baseball player who was also an awesome humanitarian. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she wanted to thank the Flooding and Drainage Committee and Council Member Lawrence, that they were making progress and had finally gotten their stakeholders committee pulled in and wanted to thank everyone for their nominations, that they had a large group of very competent and professional people, that the meeting on Monday was open to everyone, that they were having the Corp of Engineers come in and give their part of the picture and were readying to start some solutions. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that regarding her trip she wanted to say they had a very large international presence and she was very proud to be representing Houston, Texas in the

Country of Ethiopia last week, that everywhere she went people mentioned the name of Mickey Leeland and the work that the Aviation Department had done with Ethiopian Air and what it had meant to their economic stability, that they had mentioned Sister Saba and how great a person she was, that they met with the Holy Patriarch of the Ethiopian Orthodox Christian Church and talked about the artifacts that they might be able to bring back, that she thought it was going to be good and could be almost as big as a Superbowl type experience, that when Germany had the prototype they had close to 2 million visitors and Houston was going to have the real thing plus a real dynamic exhibition that the Museum of Science was putting together, that she wanted to thank the Mayor for allowing her to participate in that and looked forward to it coming to Houston, that Mr. Parish, Director of the Museum, Senator Ellis and Secretary of State Conner were there, that Houston was very well recognized and appreciated for the work going on. Mayor White stated that he wanted to thank her for her leadership in that, that as they thought about the sports events, which were important, she hoped people of her creativity and others would be thinking of ways that they use the exhibition to let people know the best facts that scientific minds had been able to figure out something known by scripture in many traditions that they were all kinfolks and thought it was very significant that Houston was selected as the first City to have that exhibition. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Lawrence stated that she wanted to recognize Mr. David Peters, Public Works, for the drainage problems that she thought he had solved after years in District A. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Lawrence stated that she had a concern about Tuesdays, that it seemed like they were having speakers at the podium that did not display their visitors badge and she would like that to be a concern with the HPD officers present, that they make sure they were showing and not just in a garbage can, that she felt it was not always taken care of. Council Members Galloway, Goldberg, Wiseman, Khan, Quan, Sekula-Gibbs, Green and Berry absent.  
NO QUORUM PRESENT

Council Member Lawrence stated that she would like to recognize a cleanup program going on at Haden Park in Spring Branch this weekend that she hoped the community would get involved, that Inwood Forest would be having a community awareness day and the communities would show all that day from 10:00 a.m. to 6:00 p.m. Council Members Galloway, Wiseman, Khan, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he wanted to give kudos to Mr. Robert Fiederlein for his responsiveness on several issues he had put before him, that he also wanted to commend Mr. Vanden Bosch for his leadership on some issues he had brought to him as well; that he wanted to recognize Mr. Michel for his effort, he personally attended a deed restriction concern that one of his neighbors brought to their attention and he was impressed that he would take time out to meet with the community folks and hear their issues directly and the action that had resulted from that. Council Members Galloway, Wiseman, Khan, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that in terms of the Parks Department and Building Services, the Mayor had probably had spoken to Ms. Jessica Holsey in the Eastwood Lawnwdale area, that there was interest in a skateboard park that they had put before his office and they had been working on it, that the Parks and Building Services Departments had helped with it and wanted to commend them for listening to the constituency out there and helping him move the project as well. Council Members Galloway, Wiseman, Khan, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he got hold of a funding opportunity, something that maybe they could use locally, and forwarded it, as per the Mayor's directive, to Ms. Ann Travis

and thought within an hour or less she had responded to him that they would be following up on it, so he appreciated the energy of the folks on the Mayor's staff and their responsiveness to some of the issues. Council Members Galloway, Wiseman, Khan, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that got a call from Mr. John Now on a historical project and was very encouraged by his discussions and they were moving forward on it, the historical preservations in Independence Heights, and he appreciated the Mayor directing it over to him. Council Members Galloway, Wiseman, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Council Member Garcia stated that it had been about 30 days since they initiated Mow Down Houston and would like to see a report of the progress on the lots affected by that particular project and contract. Council Members Galloway, Wiseman, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

Mayor White stated that as to the Controller's request on the issue of governance of the pension board was something they needed to examine very carefully, that he had asked Mr. Michel, Mr. Hall and Ms. Johnson to help collect ideas and make recommendations on it, that under current statute it was not possible for him to appoint the Controller, even if he wanted to, that the Mayor's designees were confined to the Director of the Civil Service Commission and the City Treasurer, and since they did not have a City Treasurer there were a number of different statutory functions for which a Treasurer had been designated as the head of F&A or another person within that department, that it could not be the Controller, but they needed suggestions on governance and they also asked that they also look at other governance models of pension funds, define benefit funds, in public or private sector because they were not the first organization to go through this, that they had to have the right balance that was fair to all and they intended to do so. Council Members Galloway, Wiseman, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 12:53 p.m. upon MOTION by Council Member Goldberg, seconded by Council Member Alvarado. Council Members Galloway, Wiseman, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

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

MINUTES READ AND APPROVED

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Anna .Russell, City Secretary