

City Council Chamber, City Hall, Tuesday, May 11, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 11, 2004, with 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. Don Cheatham, Division Chief of General Counsel Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present.

At 1:57 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Quan. Council Member Quan stated that there was much to celebrate this month and invited those present for Motor Cycle Safety and Awareness Month to the podium. Council Member Quan stated that to reduce motorcycle injuries and fatalities it was the responsibility of all behind the wheel to regard motorcyclists with the same safety and respect as anyone; and presented a Proclamation proclaiming the month of May as "Motor Cycle Safety and Awareness Month", in Houston, Texas. Council Members Galloway, Edwards, Holm, Green and Berry absent.

Council Member Quan stated that as indicated May was a month of celebrations and Asian/Pacific American Heritage Month was one and invited those present for this presentation to the podium. Council Member Quan stated that Asian American Heritage Month would have parades and many other events bringing an opportunity for Houstonians to explore and appreciate those cultures; and presented a Proclamation proclaiming the month of May as "Asian/Pacific American Heritage Month", in Houston, Texas. A spokesperson thanked everyone for the recognition of the importance of the Asian American heritage culture and month. Council Members Galloway, Edwards, Holm, Green and Berry absent.

Council Member Sekula-Gibbs stated that this was bringing attention to a disease where there was no known cause or cure, Fibromyalgia, it was a very painful disease in children and young adults; that the Fibromyalgia Association of Houston and others had joined together for support and urged for others to join in supporting its research; and presented a Proclamation proclaiming May 12, 2004, as "Fibromyalgia Day", in Houston Texas. Ms. Mary Harper, president of the Association, stated that a big frustration was trying to get awareness of the disease out there and this was a big step and thanked all for the presentation. Council Members Galloway, Holm, Green and Berry absent.

Mayor White stated that he did not do many presentations, but this was very special; that to seldom were people thanked for devoting their entire lifetime to public service and today there was a very distinguished military leader present, Major General Perry V. Dalby, and he understood that in honoring him many more were honored. Mayor White reviewed Major General Dalby's many accomplishments including command of the 75th Texas-United States Army National Guard Training Division, many medals and badges and 37 years of service; that he was now retiring; and presented him a Proclamation commending him on this occasion and proclaimed today as "Major General Dalby Day", in Houston, Texas. Major General Dalby stated that this was an honor he would appreciate and remember the rest of his life; and asked others present with him to come to the podium for a picture. Council Member Green absent.

Council Members thanked Major General Dalby for his service, extended respect and best wishes to him and to his retirement. Council Member Berry absent.

Council Member Ellis stated that there were 53 students present with St. Vincent de Paul including his niece and asked that they all stand to be recognized. Council Member Berry absent.

At 2:24 p.m. Mayor White called the meeting to order and Council Member Garcia called on Rev. Montgomery with the Northside Missionary Baptist Church who led all in the prayer and Council Member Garcia led in the pledge of allegiance. Council Member Berry absent.

At 2:26 p.m. the City Secretary called the roll. Council Member Berry absent.

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

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Mr. George Biggs at the top of the three minute speakers list, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2004-0492 ADOPTED

Council Member Goldberg moved that the rules be suspended for the purpose of hearing Ms. Lesly Van Dame at the end of the one minute speakers, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0493 ADOPTED

Council Member Quan moved that the rules be suspended for the purpose of hearing Dr. Caroline Long and Ms. Cozettes Sias at the top of the two minute speakers list, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0494 ADOPTED

Mayor White asked the City Secretary to remind all of the Rules of Council; and the City Secretary stated that under the Rules of Council if the total time for speakers was greater than 150 minutes each speaker's time would be one minute and under the provisions of the subsection when it was invoked the question time for Council Members would be limited to a total of one minute for each speaker; and so today all speakers would have one minute to speak. Council Members Goldberg and Berry absent.

Ms. Margaret Dower, 1112 Highland, Houston, Texas 77009 (713-426-0299) appeared and stated that she was the former president of the Woodland Heights Civic Club and their special interest group was opposing the 2025 Regional Transportation Plan as it moved the traffic into the neighborhoods; and urged Mayor White to focus on it and give it his leadership. Council Members Goldberg, Alvarado and Berry absent.

Mr. John Turvill, 2942 Virginia, Houston, Texas 77098 (713-528-6122) appeared and stated that he believed strongly there should be a plan, but the 2025 Regional Transportation Plan would harm the City of Houston by reducing pedestrian safety, etc., and urged the Mayor's involvement so it could be molded into a plan that could be used. Council Members Galloway, Alvarado and Berry absent.

Upon questions by Council Member Ellis, Mr. Turvill stated that he was not aware of what would be needed to amend the plan, but others may have suggestions. Council Members Galloway, Alvarado and Berry absent.

Mr. Roland Strobel, 2016 Main #1605, Houston, Texas 77002 (713-571-2975) appeared and stated that he had a PHD in urban planning and was previously present; that he was against the 2025 Regional Transportation Plan; that Main had just been redone and there was no reason to do it over; that the Regional Transportation Policy Council and Council Members on the board needed to look at how to redo that plan. Council Members Galloway, Alvarado and Berry absent.

Upon questions by Council Member Edwards, Mr. Strobel stated that he was not in an organized group, but with some concerned citizens; that he believed the format set out by the

HGAC Plan was the Regional Plan which had a comment period which was closing and then it would be adopted; that he was not aware of his group having a plan of action, but others may be able to help. Council Members Galloway, Alvarado, Sekula-Gibbs and Berry absent.

Ms. Adra Hooks, 1411 A Bonnie Brae, Houston, Texas 777006 (713-521-0677) appeared and stated that she would be adversely affected by some of the plans to Kirby and Main and was asking Mayor White to be actively involved in fixing the 2025 Regional Plan; and the public did need to be involved. Council Members Alvarado and Sekula-Gibbs absent.

Council Member Ellis stated that he and Council Member Wiseman served on HGAC and the plan was brought in the last meeting; that what the speakers were saying was important, they wanted input and he would suggest Council Member Berry bringing it into his Transportation Committee; and Mayor White stated that without letting time pass he would say it was a very reasonable request and he would at this time ask Council Member Berry to place it on the Agenda; that he would also indicate some expertise they may bring to bare. Council Members Alvarado and Sekula-Gibbs absent.

Council Member Green stated that he and Council Member Holm were working feverishly on the plan and wanted to meet with and brief Mayor White; and felt it was good to meet in the Transportation Committee Meeting. Council Members Alvarado and Sekula-Gibbs absent.

Council Member Wiseman stated that the HGAC had scheduled meetings for the public and they were having a joint committee meeting with the TIA and Council Governance Committee Meeting to discuss the issue May 24th at 10:00 a.m. Council Members Alvarado and Sekula-Gibbs absent.

Ms. Elaine Gaskamp, 9315 Peter Sham Dr., Houston, Texas 77031 (832-423-9671) appeared and stated that she was the president of Super Neighborhood 36 and asked the Mayor and Council to embrace the concept of the Super Neighborhoods; no one knew their neighborhood better than its citizens and they should all join together for a plan that worked and allowed greenspace, integrity of community and moved people to their destinations. Council Members Alvarado and Sekula-Gibbs absent.

Council Member Goldberg stated that he agreed the Super Neighborhoods could bring attention to certain topics and his concern was they were not going to fully fund it and if the city opted out what happened to the money; that it should go to the Transportation Committee as soon as possible, they should not have to rely on citizens for their information. Council Members Alvarado and Sekula-Gibbs absent.

Ms. Andrea Dahlke, 1120 Omar, Houston, Texas 77009 (713-864-9201) appeared and stated that she was representing a large consortium of young professionals pooling their resources on issues they felt critical and they were calling for a reevaluation of the 2025 Regional Transportation Plan as there was much it still needed and it should be tested before being included in the final proposal. Council Members Alvarado and Sekula-Gibbs absent.

Council Member Garcia stated that they were hearing the theme that there had been little public participation in the development of this and that Ms. Dower and Ms. Dahlke and several others following were from District H which was right in the crosshairs of the plan and several were bringing it to his attention and he thanked them for bringing it to all of their attention. Council Members Garcia, Alvarado and Ellis absent.

Mr. Andrew Tran, 1315 Prace Glen, Houston, Texas 77077 (832-868-4847) appeared and stated that he was with the Vietnamese Chamber of Commerce and there were serious flaws in the Regional Transportation Plan and he was asking Mayor White to become directly involved. Council Members Alvarado and Sekula-Gibbs absent.

Ms. Susan Cobb, 2369 Bolsover, Houston, Texas 77005 (713-524-3138) had reserved time to speak but was not present when her name was called. Council Members Alvarado and Sekula-Gibbs absent.

Ms. Lesly Van Dame, 2902 Briarhurst, Houston, Texas 77057 (713-840-7420 x350) appeared and stated that she worked across from the Galleria which had wide congested streets and the area cried for a fulltime shuttle service, but first it needed a walkable area; that the plan brought nothing to the Galleria area except more traffic. Council Members Alvarado, Ellis and Sekula-Gibbs absent.

Ms. Jane Cahill, 2112 Lubbock, Houston, Texas 77007 (713-880-1723) appeared and stated that she represented the Old Sixth Ward Association and the 2025 RTP would negatively impact the City by turning every thoroughfare into an express street, especially disturbing was the RTP's listing of the Washington on Westcott, the WOW roundabout which was a City of Houston project and well underway; and urged Mayor White's involvement. Council Members Alvarado, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Garcia, Ms. Cahill stated that it was virtually impossible to stop the entire plan from moving forward at this late date, but they wanted the unapproved local projects taken off the table until they could have meaningful public input and a consideration and reasonable discussion of alternatives; that if they did not do that once projects were listed they were eligible for funding and virtually impossible to remove it. Council Members Alvarado, Ellis and Sekula-Gibbs absent.

Mr. Peter Tyler, 6110 Wister Lane, Houston, Texas 77008 (713-256-9205) appeared and stated that he lived in Timber Grove Manor and there were plans in the proposal which would split his neighborhood; that they had talked about solutions to remove the unapproved projects which would keep the problems from creeping up in the future. Council Members Khan, Alvarado, Ellis and Sekula-Gibbs absent.

Council Member Holm stated that as a member of the Transportation Policy Committee she and Council Member Green had been deeply absorbed in the process and the most important thing now to recognize was that week after week citizens had been coming and telling Council about the individual plans and had gone to the extent of making a map of each projected street in each Council Member's district which they all had in their offices; that this plan was a copulation of projects submitted by all sorts of people, it was not the City's plan and they needed to be able to recognize and come forward with a plan they could adopt, amended, so that some of those projects could not be moved on without the cooperation of the City of Houston. Council Members Khan, Alvarado, Ellis and Sekula-Gibbs absent.

Ms. Marcia Perry, 1619 Webber, Houston, Texas 77007 (713-863-9773) appeared and stated that she lived in First Ward and was president of the First Ward Council; that the 2025 Plan was ill-considered and her concern was the same as everyone, she wanted to see a plan with alternate modes of transportation as well as lessened congestion which she thought could be achieved. Council Members Alvarado, Ellis and Sekula-Gibbs absent.

Ms. Regina Garcia, 2425 University Blvd., Houston, Texas 77005 (713-522-9306) appeared and stated that she was concerned about the Regional Transportation Plan as it would make her neighborhood ugly. Council Members Ellis and Sekula-Gibbs absent.

Mayor White stated that widespread interest in the plan showed maturity in the community; that it was a serious issue and in two weeks there would be a presentation to Council where they made a request by Mr. Alan Clark with HGAC who helped compile what some would say was a wish list of projects and Dr. Carol Lewis who advised him for years and was technical chairman for the HGAC and was the best he found in the entire community on some detailed issues of federal funding and the like; and because this had not received the public attention it

deserved they would need to consider what Administration and staff support was needed in order to take a more substantive role than they had historically; that he felt they had a real opportunity to provide leadership and that the HGAC would welcome input from the highest levels. Council Members Ellis and Sekula-Gibbs absent.

Dr. Caroline Long, 5186 Buffalo Speedway, Houston, Texas 77005 (713-490-2225) appeared and stated that Saturday, May 15th from 12:00 noon to 3:00 p.m. her clinic was hosting Kids Day America which was a festival highlighting health, safety and environmental awareness; that they would have finger printing, fire safety tips, ID cards and health screening and there would be free food, prizes, etc., that they were located at Buffalo Speedway at Westpark; and she invited all to attend Council Members Goldberg, Holm, Ellis and Sekula-Gibbs absent.

Council Member Quan stated that he wanted to commend his daughter as she worked on this issue of raising awareness for Kid's Day in America; and thanked her for coming. Council Members Goldberg, Holm, Ellis and Sekula-Gibbs absent.

Council Member Khan thanked Dr. Long for coming and stated that this was not just one event, he had seen her serve the community for years and was very impressed with all that she did. Council Members Goldberg, Holm, Ellis and Sekula-Gibbs absent.

Ms. Cozeters Sias, 12406 Clear River, Houston, Texas 77050 (281-442-0233) appeared and stated that she worked for the City of Houston and was again present pleading for the Mayor and Council to work with her in getting an okay for her knee replacement. Council Members Goldberg, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Ms. Sias stated that the city was not working with her, she had been in pain a year and six days; that her doctor wanted to give a knee replacement, but the city would not okay it; that May 19th was set for a complete medical exam and that was after the date they had set for her operation. Council Members Goldberg, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Ms. Dominga Bocanegra, 518 Donna Corey, Houston, Texas 77013 (713-678-8385) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Ms. Eva Herrera, 3534 Glenmore, Houston, Texas 77023 (713-678-8385) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Holm, Ellis and Sekula-Gibbs absent.

Minister Joanna Kasey, 4803 Debeny, Houston, Texas 77039 (281-442-9012) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Holm, Ellis and Sekula-Gibbs absent.

Pastor W. Casey, 4803 Debeny, Houston, Texas 77039 (281-442-9012) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Holm, Ellis and Sekula-Gibbs absent.

Mr. George Biggs, 6166 Meadow Lake Lane, Houston, Texas 77057 (no phone) appeared and stated that he was a Downtown business owner and was present to see if the city would support them on getting the rail to stay open an extra hour for their businesses as it stopped running at 1:00 a.m. when most businesses closed at 2:00 a.m.. Council Members Goldberg, Holm and Sekula-Gibbs absent.

Council Member Alvarado stated that her office had received numerous calls from business owners and she would urge the Administration to have those discussions with

METRO; that the extra hour would move many more people. Council Members Goldberg, Holm and Sekula-Gibbs absent.

Mayor White stated that if Metro did extend hours for testing ridership and were there particular days they would start; and Mr. Biggs stated that Friday and Saturday would definitely be good starting points; that another issue was parking as it was \$10.00 a space there and it could accommodate people parking elsewhere if the rail was available. Mayor White stated that he would make an inquiry and have them report back from METRO as to what they thought the anticipated ridership would be and what the cost was and see if they would consider doing a pilot so the community need could be met. Council Members Goldberg, Holm and Sekula-Gibbs absent.

Mr. Mike Armstead, 9240 Nathaniel #942, Houston, Texas 77075 (713-910-6191) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Holm and Sekula-Gibbs absent.

Rev. G. L. Patterson, 9950 Genard, Houston, Texas 77041 (713-690-7767) appeared and stated that he wanted to make it clear about all city workers in every department; that there was a great unrest and the only way to fix it was to meet with the employees who had been here for many years and make sure the first thing done was to get peace with those who helped to build it little by little; that they did not ask for much but did want an explanation of things they did not agree with and they would appreciate all the help they could get. Council Members Goldberg, Holm and Sekula-Gibbs absent.

Mr. Steve Spacek, 925 E. Hwy 80, San Marcus, Texas 78666 (512-374-4701) appeared, presented information and stated that first he was pushing to strengthen the enforcement of the Texas Health and Safety Code and secondly the City's reliance on deed restrictions failed over and over again in benefiting non-whites and the poor. Council Members Goldberg, Khan, Holm and Sekula-Gibbs absent.

Mr. John Johnson, 7102 Windemere, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Khan, Holm and Sekula-Gibbs absent.

Mr. Bo Baker, 818 Crown, Houston, Texas 77020 (713-673-5959) appeared, presented information and stated that he was representing the Marshall Company out of Corpus Christi, Texas; that they were general contractor for the International Bank of Commerce and was present to clarify their position as represented by Mr. Larry Parr in last week's Council Meeting; that Mr. Parr had no authority last week to represent their company and his views and opinions in no way represented the views and opinions of the Marshall Company; that they retained his services, but he had not been with them since March and he apologized on behalf of the IBC and the Marshall Company for any inconvenience Mr. Parr had caused. Council Members Goldberg, Khan, Holm and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Mr. Baker stated that there was a problem with the Marshall Company securing a permit, but he took the permitting over and it was clear and he found no problem with city employees at all; that Mr. Parr just did not understand what expediting was all about. Council Members Goldberg and Sekula-Gibbs absent.

Ms. Elizabeth Forney, 1919 Runnels, Houston, Texas 77003 (281-536-4429) appeared and stated that she was present on behalf of Clayton Homes; that she volunteered as an advocate and was ex-vice president; that they had a problem with a train and she had suggested an overpass for cars and a catwalk for pedestrians, but had no response. Council Members Goldberg and Sekula-Gibbs absent.

Upon questions by Council Member Edwards, Ms. Forney stated that besides the train she

had also suggested that it was dangerous for single parents and children to go at night to court and wondered about that also. Council Members Goldberg and Wiseman absent.

Council Member Edwards stated that she thought the Council had done a resolution on trains and wondered if that had any affect on what Ms. Forney was trying to do; and Mayor White stated that it was a little unclear to him; that he did appreciate her bringing it to their attention; that Council Member Green and others were dealing with the courts right now and they were trying to make it more convenient. Council Members Goldberg and Wiseman absent.

Ms. Elsie Finley, 3202 Ozark, Houston, Texas 77021 (713-747-7155) appeared and stated that she was present concerning the way she was treated in court; that she was subpoenaed regarding an accident and the prosecutor dismissed the case because she felt she was not a good witness not having her insurance at the scene but she did have it at court. Council Members Wiseman and Garcia absent.

Council Member Green apologized for the treatment she said she received and stated that his office was working with a taskforce to follow-up on such things and hopefully change them; that they were trying to make things better for citizens and his office would get information. Council Members Wiseman and Garcia absent.

Mr. John Florez, 524 Westheimer #B, Houston, Texas 77006 (713-522-6548) appeared, presented information and stated that the sound system in the rear of the Chamber was not understandable; that he was present speaking for himself regarding the self anointed; that speakers often came to Council saying they spoke for everyone and that was often not true. Council Members Wiseman and Garcia absent.

Upon questions by Council Member Quan, Mr. Flores stated that the only way to evaluate what someone was saying when they said they were representing others was to have them present a list of those they represented; and it was wrong to accept someone being represented when they were not. Council Members Wiseman and Garcia absent.

Ms. Janet Honn, 18 9th Avenue N, Texas City, Texas 77590 (409-941-9226) had reserved time to speak but was not present when her name was called. Council Members Wiseman and Garcia absent.

Mr. Greg Moore, 2111 Holly Hall #5508, Houston, Texas 77054 (281-330-5867) appeared and stated that he was present regarding the Safe Clear Program and the towing industry coming together as a whole; that the problem was not created over night and they needed another 30 days to resolve the problem; that what they would present to Council would have things they wanted and represent the industry also. Council Member Garcia absent.

Mayor White thanked Mr. Moore for his input and stated that he kept abreast because of the good input; that one procedure was an ordinance and then there would have to be franchises defined and then competitive processes so a passage of ordinance was not the only action envisioned right now that Council would have to take for them to have ongoing oversight into the way in which any new system was implemented. Council Members Garcia and Ellis absent.

Upon questions by Council Member Khan, Mr. Moore stated that the wrecker association came together with Mr. Saperstein and were giving their input, but it was a slow process; that it would take more giving and taking on both sides and they were asking for more time to have something workable for both sides. Council Members Garcia and Ellis absent.

Upon questions by Council Member Edwards, Mr. Moore stated that he was representing the Professional Wrecker Association of Houston; that Mr. Saperstein reported to Council he

had met with all of them and that was a lie, he did consult with some who had public and private interest in this but the day to day person driving the truck had not been talked to and he needed more information from the real world. Council Members Garcia and Ellis absent.

Upon questions by Council Member Edwards, Mayor White stated that there was a tremendous amount of time and effort put into getting the public comment; that he did not think anyone could ever say they had met with everyone; that there would be differences of opinion concerning some principles, but this was one reason they tried to get more and more involved with Mr. Lewis and Chief Breshears so they could move expeditiously; that there was redrafting of the ordinance because of input. Council Members Garcia, Alvarado and Ellis absent.

Upon further questions by Council Member Edwards, Mr. Moore stated that the wrecker association and Mr. Saperstein were coming together, but he felt they needed 30 working days still. Council Members Garcia, Alvarado and Ellis absent.

Council Member Lawrence stated that her concern was specific safety issues; and upon questions, Mr. Moore stated that they made outlines to cater to what the Mayor wished to happen as far as citizens and price and getting them off the roadways; that it was a work in progress and it would be very definitive when presented, but they needed time to make their presentation clear and precise. Council Members Alvarado and Ellis absent.

Mr. Owen Wang, 3344 Crossview, Houston, Texas (713-780-2886) appeared and stated that he owned ten tow trucks; that he had 20 years experience and would try and help the city; that he paid for \$1,000,000 in insurance on one tow truck and he would suggest that the city have 573 permits and if each permit would reduce the insurance to \$500,000 then each owner could save. Council Members Alvarado and Ellis absent.

Upon questions by Council Member Khan, Mr. Wang stated that he did not attend a meeting with Mr. Saperstein. Council Member Khan stated that he would pose his question to someone who was in the meeting. Council Members Garcia, Alvarado and Ellis absent.

Council Member Edwards stated that she was not able to follow his whole presentation and asked that he get a copy of it to the chairman of the Transportation Committee or to her office she would appreciate it. Council Members Garcia, Alvarado and Ellis absent.

Upon questions by Council Member Quan, Mr. Wang stated that his plan was to reduce insurance and then they could save \$2.8 million and they could contribute the money to the City of Houston which could be used to help the Police and Transportation Departments; that they could give it as a licensing fee. Council Members Edwards, Garcia, Alvarado and Ellis absent.

Council Member Green moved that the rules be suspended for the purpose of hearing Mr. Isa Kafi and Mr. Sam Said out of order, seconded by Council Member Wiseman. All voting aye. Nays none. Council Members Garcia, Alvarado and Ellis absent. MOTION 2004-0495 ADOPTED

Mr. Isa "Nicky" Kafi, 211 W. 23rd, Houston, Texas 77008 (832-347-8346) appeared and stated that they had met with Mr. Saperstein on more than one occasion and had no results; that they presented him with a different plan which the industry on a whole approved and it met the safety, financial and accountability, but the only thing it did not meet was that everyone could participate when he wanted only 21 members. Council Members Garcia, Alvarado, Ellis and Quan absent.

Upon questions by Council Member Khan, Mr. Kafi stated that to him the most important premise of the ordinance was safety and he believed they addressed the safety issue and then surpassed it; and he believed in their plan the small business would be included, no one would be left out; that the industry in whole was behind the plan, but they met no agreement with Mr.

Saperstein, they could get no result from him positive or otherwise; that he did not think they needed more time and felt they should just go to Council with it and let them resolve it. Council Members Garcia, Ellis and Quan absent.

Mr. Sam Said, 8180 Southwest Freeway, Houston, Texas 77074 (281-330-0226) appeared, presented information and stated that his presentation would summarize the proposal they gave to all Council Members; that it was basically the same concept as mobility and talked about all the issues and all companies were able to be a part of it; that they were like a company under one umbrella with a board, president, etc. Council Members Garcia, Ellis and Quan absent.

Council Member Khan stated that it was great they would police their self, but the fact was in the past it had not happened and that was why this was coming to Council so he did not know how that could be accepted; and upon questions, Mr. Said stated that it would be easy for a small business to participate in the program, there was not a big investment required and you only needed to be in business, honest and work hard and go to training program and equip your trucks correctly. Council Members Garcia, Ellis and Quan absent.

Council Member Wiseman moved that the rules be suspended for the purpose of hearing Ms. Dorothy Olmos and Ms. Marcy Castellanos out of order at this time, seconded by Council Member Green. All voting aye. Nays none. Council Members Garcia, Ellis and Quan absent. MOTION 2004-0496 ADOPTED

Mr. Rufus Brown, 906 Maracolin, Houston, Texas 77088 (281-591-0437) had reserved time to speak but was not present when his name was called. Council Members Garcia, Ellis and Quan absent.

Ms. Dorothy Olmos, 6678 Sylvan Road, Houston, Texas 77023 (281-636-1058) appeared and stated that she was present speaking on behalf of the towing association; that she was concerned with the way small businesses were being affected and did attend the Transportation Committee Meeting and the meeting with Mr. Saperstein yesterday and found inconsistencies with his proposed strategy; that he was also trying to put the cart before the horse. Mayor White, Council Members Galloway, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that Ms. Olmos could continue and then she had questions; and Ms. Olmos continued that approving the ordinance and then going back to do the research was not feasible. Upon questions by Council Member Wiseman, Ms. Olmos stated that with the ordinance change if you ran out of gas or blew a fan belt and you moved over and were safely out of the flow of traffic your car would still be towed and you were given no opportunity to say who could tow you; that you could not change your own tire either. Mayor White, Council Members Galloway, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding.

Ms. March Castellanos, 104 Goldberg, Houston, Texas 77017 (281-773-4747) appeared and stated that she was giving her time to Ms. Olmos. Mayor White, Council Members Galloway, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman moved that the rules be suspended for the purpose of allowing Ms. Dorothy Olmos to speak in place of Ms. Marcy Castellanos, seconded by Council Member Green. Council Member Edwards voting no. Balance voting aye. Mayor White, Council Members Galloway, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0497 ADOPTED

Ms. Olmos continued that the question regarding small businesses was under the plan with Mr. Saperstein the valuation criteria was a franchise fee proposal, but he would not

respond on how much the fee would be; that there was hearsay of a \$50,000 fee and that was astronomical for a small business; that he also wanted to reiterate and bring everyone who was a minority business, disadvantage business and women business to be able to participate in the MWBE participation format and that was fine, but the factor was that he would provide financing for the small business under FDA and that was not a guaranteed that the small businesses would be given a 100% business loan and those small businesses needed to be looked at. Mayor White, Council Members Galloway, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that with all due respect with all the MWBEs out there they only covered a small portion of the small businessman; and upon questions, Ms. Olmos stated that Mr. Saperstein had no answer for them as to how it would generate more mobility for the small business to continue their effort in the business. Mayor White, Council Members Galloway, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado reminded the Council of the one minute rule and asked that they keep it in mind when asking their questions. Mayor White, Council Members Galloway, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that if the speaker would agree she would ask her to stay until the end of the session so they could continue questions; and Ms. Olmos agreed. Mayor White, Council Members Galloway, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she appreciated what she was doing, but Council could not guarantee a contract; that the ordinance was dealing with public safety issues and the other things should be dealt with separately; and she would implore that this was safety and not business opportunity, etc. and this should be focused on and cleared out and then the rest could be looked at. Mayor White, Council Members Galloway, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Mary Lou James, 2942 Virginia, Houston, Texas 77098 (713-440-7920) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Lula Wilson, P. O. Box 451005, Houston, Texas 77245 (713-433-0146) appeared and stated that she was present on behalf of Ms. Cozettes Sias who previously was very active and was asking that the Mayor and Council consider her case. Mayor White, Council Members Galloway, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Ruby Butler, 10327 Rebel, Houston, Texas 77016 (no phone) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Eula Johnson, 7406 Bywood, Houston, Texas 77028 (713-635-8555) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Berline Haynes, 7445 Caddo, Houston, Texas 77016 (713-631-4948) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mrs. Nancy Cage, 8718 Patti Bob, Houston, Texas 77029 (713-673-4566) appeared and

stated that she was present on behalf of Ms. Cozeters Sias; that she just got off the dialysis machine today but had to come in her support; that she was with her when the doctor said she needed the surgery; and asked that Council please consider her. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Pastor Cage, 8718 Patti bob, Houston, Texas 77029 (713-673-4566) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mrs. Betty Bradley, 8623 Wild Basin Drive, Houston, Texas 77088 (281-820-5986) appeared and stated that she was present on behalf of Ms. Cozeters Sias as well; that Ms. Sias was a worker for the City of Houston and she wanted to know she was not being put off because of her age or insurance; that she understood if a person was injured in the line of duty they should be provided. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Rev. Eddie Bradley, 8623 Wild Basin Drive, Houston, Texas 77088 (281-820-5986) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Betty Cross, 1825 Amazon Drive, Corpus Christi, Texas 78412 (361-991-7899) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mrs. Rose Mary Watt, 8718 Patti Bob, Houston, Texas 77029 (713-673-4566) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mr. Bobby Watt, 8623 Wild Basin Drive, Houston, Texas 77088 (281-820-5986) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mrs. Rosa Barefield, 10010 Fairland Drive, Houston, Texas 77051 (713-734-6867) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mr. Vernell Barefield, 10010 Fairland Drive, Houston, Texas 77051 (713-734-6867) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Ethel Turner, 11414 Sandrock, Houston, Texas 77048 (713-738-5726) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Harriet Cole, 9826 Camay, Houston, Texas 77016 (713-631-2014) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mrs. Robert Cole, 9826 Camay, Houston, Texas 77016 (713-631-2014) had reserved time

to speak but was not present when her name was called. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Zelda Miller, 4228 Roten, Houston, Texas 77047 (713-733-7468) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mrs. Nathaniel Johnson, 9235 Wellsworth, Houston, Texas 77044 (281-933-0185) had reserved time to speak but was not present when her name was called. Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Mrs. Joann Gordon, 10134 Holly Glen, Houston, Texas 77016 (713-631-3633) had reserved time to speak but was not present when her name was called. Council Members Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Mr. Melvin Gordon, 10134 Holly Glen, Houston, Texas 77016 (713-631-3633) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Ms. Agnes Johnson, 10700 Fondren, Houston, Texas 713-780-4026) appeared and stated that she was present on behalf of felons who had a hard time finding jobs; that she felt they were discriminated against because of their past. Council Members Galloway, Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Mayor White stated that he understood she was an advocate for those who had felonies and looking for opportunity. Council Members Lawrence, Galloway, Edwards, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Council Member Green stated that the laws had changed and some things could be removed from their records and she needed to get an attorney. Council Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Ms. Connie Roe, 208 Travis, Houston, Texas 77002 (713-826-5451) appeared and stated that she was present introducing her new restaurant, Macarina's, but she was having trouble now with her customers parking because of the construction on Travis; that two lanes were closed where she had free and meter parking and blocked two lanes on the right where there was an opening to the parking lot; and she would like to know how much longer the construction would be on the north side of Travis. Council Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Upon questions by Mayor White, Ms. Roe stated that about a month and a half ago they closed the two right lanes and they opened two left lanes to traffic; that the lanes were torn up at the intersection of Travis and Franklin for months now. Mayor White stated that he wanted Mr. Fiederlein to get him and Council Member Alvarado an answer to that; that he did not know why it would take months to do construction, there was no good reason for it and they would get to the bottom of it and see what could be done to help her. Council Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Council Member Alvarado stated that she had been to her restaurant and it was great food and she did hope her colleagues would go; that at the very least she should have been given notice and hopefully she will get relief. Council Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Mr. Michael Berger, 6530 Westview, Houston, Texas 77055 (713-686-7834) appeared and stated that May 16th he applied for a job as an inspector trainee in Sign Administration; that he had done the job as a volunteer and he hoped to be considered for the position. Council

Members Galloway, Edwards, Holm, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Ms. Manuela Guerrero, 61 Reisner, Houston, Texas 77002 (713-247-4248) appeared and stated that she had been with the City for 15 years in July of 2004 and worked at the Central Jail on shift three as a senior jail attendant and was present fighting for her job which to her was the American dream; that they were training officers to take their jobs and they wanted to stay there until the merger with the county went through; that they did not mind officers filling in for vacancies, but they wanted to stay until the end; that she wanted Council to see she was a Hispanic female who took care of her family and not just a figure on a piece of paper. Council Members Galloway, Edwards, Holm, Garcia, Ellis, and Quan absent.

Ms. Angie Galaviz, 61 Reisner, Houston, Texas 77002 (713-247-4248) appeared and stated that she had been with the City of Houston for thirteen years and was a jail attendant and present to voice her concerns regarding their layoffs and the placing of their positions to officers; that if the City faced a crisis would they close the jail and send officers to assist; that she felt they should be able to keep their jobs and the officers should keep their jobs and protect the City. Council Members Galloway, Edwards, Holm, Garcia, Ellis and Quan absent.

Ms. Rosemary Monk, no address (713-533-6485) had reserved time to speak but was not present when her name was called. Council Members Galloway, Edwards, Holm, Garcia, Ellis and Quan absent.

Ms. Feng Goins, 5501 Grand Lake, Houston, Texas 77081 (832-567-6350) appeared and stated that she was a Houston Falun Gong practitioner and wanted to invite all to join in Falun Gong Day, May 13th; that it would be at City Hall with singing and dancing, a play and food; that they were proud Houston was the first city to introduce Falun Gong Day in North America. Council Members Galloway, Edwards, Holm, Garcia, Ellis and Quan absent.

Mr. Mao Tsai, 2210 Crystal Hills, Houston, Texas 77077 (713-270-2533) appeared, presented information and stated that May 13th was World Falun Dafa Day which celebrated an event that occurred twelve years ago; that Falun Gong was a self-cultivation practice that improved mental and physical wellness. Council Members Galloway, Edwards, Holm, Garcia, Ellis and Quan absent.

Council Member Khan thanked Mr. Tsai for coming; and upon questions, Mr. Tsai stated that May 13th was their celebration in front of City Hall and he would ask that it be proclaimed as "Falun Gong Day"; that they were personally inviting the Mayor and each Council Member to attend. Council Members Galloway, Edwards, Holm, Garcia and Ellis absent.

Mayor White stated that in Houston they celebrated a diversity of views and people who worked hard and followed their own conscious; that he was extended an invitation, but because of all going on this week he was canceling things and not adding them; that he heard it was because of international politics he was not attending, but he would say they supported activities of people in Houston and no other country told them what they could do. Council Members Galloway, Edwards, Holm, Garcia and Ellis absent.

Mr. Macario Sosa, P. O. Box 524372, Houston, Texas 77052 (281-827-5591) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Holm, Ellis and Berry absent.

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

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and expressed his personal opinions until his time expired. Council Members Galloway,

Edwards, Holm, Ellis and Berry absent.

Mr. Gary Fruge, 5418 Washington Ave., Houston, Texas 77007 (713-545-4147) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Holm, Ellis and Berry absent.

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

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and expressed his personal opinions until his time expired. Council Members Galloway, Edwards, Holm, Ellis and Berry absent.

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 Galloway, Edwards, Holm, Ellis and Berry absent.

Mr. Lonn Vasquez, 1704 Webber, Houston, Texas 77007 appeared, presented a statement to Council Member Quan and stated that he was chief coordinator of TFG and was requesting Council Member Quan assign a person to oversee the homeless project they were making; that this project would help people. Council Members Galloway, Edwards, Holm, Ellis and Berry absent.

Council Member Quan thanked Mr. Vasquez and stated that they planned on providing a full report at the next Housing Committee Meeting, Tuesday and he was welcomed to come and see where they were on ending chronic homeless in Houston and they did welcome his input. Council Members Galloway, Edwards, Holm, Ellis and Berry absent.

Ms. Stephaine Simon, 707 Brookford Drive, Katy, Texas 77489 (no phone) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Holm, Ellis and Berry absent.

Ms. Olmos was invited to the podium for more questions. Council Member Wiseman thanked Ms. Olmos for staying and upon questions, Ms. Olmos stated that she was correct if your vehicle was over and impeding no traffic you still had no say and the company which had the exclusive right for that stretch of road would take your property; that it bothered her you had no opportunity to get someone you wanted, even if you had family in the business, to service your need; that she considered it a violation of her civil rights. Council Member Wiseman stated that she also saw it as a violation and a violation of the commerce clause as well; that nothing in the ordinance said people engaged in interstate commerce would be exempt; and upon questions, Ms. Olmos stated that she did not see that either; that barriers to enter the business was low with \$500. for a tag per year; that the towing association had over 190 businesses and they were structured and organized and were being more profound on killing the ordinance and working with the Safety Clear Program in place with adjustments and amendments which needed to be tailored; that the increase of insurance at state level was \$300,000 whereas at the City level it was \$1,000,000 and it required them to work more hours to make the monthly insurance payment; that there was a give and take on the safety program where you could make adjustments and work with the small businesses. Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

At 4:24 p.m. upon motion by Council Member Khan, seconded by Council Member Sekula-Gibbs City Council recessed until 9:00 a.m., Wednesday, May 12, 2004. Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, May 12, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, May 12, 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. Jose Soto, Deputy Agenda Director present.

At 8:22 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:15 Mayor White reconvened the meeting of the City Council. Council Members

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 48

MISCELLANEOUS - NUMBERS 1 and 2

1. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Fire Station 33, GFS C-0076-01-3 - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. Council Member Galloway absent. MOTION 2004-0498 ADOPTED.
2. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **CORINTHIAN POINTE HOMEOWNERS ASSOCIATION** for Law Enforcement Services of 1 Deputy from Harris County Constable Precinct 7 - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. Council Member Galloway absent. MOTION 2004-0499 ADOPTED.

ACCEPT WORK - NUMBERS 3 through 7

3. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$622,217.21 and acceptance of work on contract with **GULF COAST LANDSCAPE SERVICES, INC** for Veterans Memorial Park (Formerly Hardy Tidwell Park) - 04.96% over the original contract amount - **DISTRICT H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Galloway absent. MOTION 2004-0500 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,827,549.07 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Greenridge Wastewater Treatment Plant Improvements, GFS R-0265-18-3 (4759-1) - 00.81% over the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Galloway absent. MOTION 2004-0501 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,244,001.42 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Southeast Water Purification Plant - Immediate Firm Capacity Improvements, GFS S-0012-20-3 (10484-2) - 03.03% under the original contract amount - was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Galloway absent. MOTION 2004-0502 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 12

9. ORDINANCE appropriating \$995,766.00 out of Street & Bridge Consolidated Construction Fund for Purchase of Vehicle Video Imaging Detection Systems for the Public Works & Engineering Department, CIP N-0650 - was presented. Council Member Galloway absent. ORDINANCE 2004-0416 ADOPTED.
- 9a. **TEXAS HIGHWAY PRODUCTS LTD.**, for Vehicle Imaging Detection Systems from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$995,766.00 - was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs. Council Member Galloway absent. MOTION 2004-0503 ADOPTED.
11. ORDINANCE appropriating \$172,902.45 out of Water & Sewer System Consolidated Construction Fund for Switchgear Replacement for the Public Works & Engineering Department, CIP S-1000-R7 - was presented. Council Member Galloway absent. ORDINANCE 2004-0417 ADOPTED.
- 11a. **MCDONALD ELECTRIC, INC** for Switchgear Replacement for Department of Public Works & Engineering - \$164,669.00 and contingencies for a total amount not to exceed \$172,902.45 - was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs. Council Member Galloway absent. MOTION 2004-0504 ADOPTED.
12. **MOTION INDUSTRIES, INC** - \$232,934.43 and **METRO FIRE APPARATUS SPECIALTIES, INC** \$1,030,493.08 for Hose, Fire Booster and Attack for Various Departments - \$1,302,502.59 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$1,263,427.51 - General and Enterprise Funds - was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs. Council Member Galloway absent. MOTION 2004-0505 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 48

16. ORDINANCE approving and authorizing special warranty deed conveying to Niel Jayasinghe a parcel of land containing ±54,639 square feet, former Garden Oaks Water Plant Site and former Fire Station No. 31, Parcel S85-004, located at 822 West 34th Street, Abstract 94, S. W. Allen Survey, Houston, Texas, in consideration of Niel Jayasinghe's payment of \$137,000.00 and other consideration to the City - **DISTRICT A - LAWRENCE** - was presented. Council Member Galloway absent. ORDINANCE 2004-0418 ADOPTED.
17. ORDINANCE approving and authorizing the sale to Harris County Flood Control District of a drainage easement containing 0.7146 acre (31,130 square feet) of land, more or less, Parcel SY4-032, being a portion of the 5.611-acre, former Interwood Municipal Utility District Site, located within the Willis Avery Survey, A-104, Harris County, Texas (HCFCD Project No. P135-00-00-X003, Tract 01-018.0); in consideration of Harris County Flood Control District's payment of \$8,405.00 and other consideration to the City - **DISTRICT B - GALLOWAY** - was presented. Council Member Galloway absent. ORDINANCE 2004-0419 ADOPTED.
19. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 402** - was presented. Council Member Galloway absent. ORDINANCE 2004-0420 ADOPTED.

20. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 403** - was presented. Council Member Galloway absent. ORDINANCE 2004-0421 ADOPTED.
21. ORDINANCE consenting to the addition of 308.02 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 89**, for inclusion in its district - was presented. Council Member Galloway absent. ORDINANCE 2004-0422 ADOPTED.
23. Omitted
26. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON**, to provide \$70,000.00 in Community Development Block Grant Funds to provide partial funding for the Renovation of the Angelita Fraga Day Care Center **DISTRICT H - GARCIA** - was presented. Council Member Galloway absent. ORDINANCE 2004-0423 ADOPTED.
29. ORDINANCE approving and authorizing first amendment to interlocal agreement for Cooperative Purchasing between the City of Houston and **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** to amend Article 6 of the agreement for the Procurement of Goods and Services for Various Departments - was presented. Council Member Galloway absent. ORDINANCE 2004-0424 ADOPTED.
34. ORDINANCE appropriating \$93,610.15 out of Water & Sewer System Consolidated Construction Fund and \$96,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing Developer Participation contract between the City of Houston and **JL DEVELOPERS, L.L.C.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Galleria Estates at White Heather Subdivision, CIP S-0800-C8-03 and R-0800-C8-03 - **DISTRICT D - EDWARDS** - was presented. Council Member Galloway absent. ORDINANCE 2004-0425 ADOPTED.
35. ORDINANCE awarding construction contract to **ALLGOOD CONSTRUCTION CO., INC** for Water, Sanitary Sewer and Storm Sewer Drainage Systems for Phase One of the Brentwood Park Subdivision; approving and authorizing an assignment of construction contract to **BRENTWOOD WAY DEVELOPERS, L.P.**, CIP S-0800-A3-03 and R-0800-A3-03 (DPC-28) **DISTRICT D - EDWARDS** - was presented. Council Member Galloway absent. ORDINANCE 2004-0426 ADOPTED.
36. ORDINANCE awarding construction contract to **ALLGOOD CONSTRUCTION CO., INC** for Water, Sanitary Sewer and Storm Sewer Drainage Systems for Phase Two of the Brentwood Park Subdivision; approving and authorizing an assignment of construction contract to **BRENTWOOD WAY DEVELOPERS, L.P.**, CIP S-0800-A4-03 and R-0800-A4-03 (DPC-29) **DISTRICT D - EDWARDS** - was presented. Council Member Galloway absent. ORDINANCE 2004-0427 ADOPTED.
37. ORDINANCE appropriating \$82,114.20 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **C.P.M. DEVELOPMENT, L.L.C.** for Construction of Water and Sanitary Sewer Lines to serve Section Two of the Cullen Estates Subdivision, CIP S-0802-19-03 and R-0802-18-03 - **DISTRICT D - EDWARDS** - was presented. Council Member Galloway absent. ORDINANCE 2004-0428 ADOPTED.
41. ORDINANCE appropriating \$286,670.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **SANDER ENGINEERING CORPORATION** for Design of Water Line Replacement in Azaleadell & Carlisle Subdivisions, CIP S-0035-B4-2 (WA10777); providing funding for contingencies relating to construction of facilities

financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and I - ALVARADO** - was presented. Council Member Galloway absent. ORDINANCE 2004-0429 ADOPTED.

43. ORDINANCE appropriating \$511,600.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **MENENDEZ-DONNELL & ASSOCIATES, INC** for Design of Water Line Replacement in the Dixie Area, CIP S-0035-B9-2 (WA10782); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. Council Member Galloway absent. ORDINANCE 2004-0430 ADOPTED.

46. ORDINANCE appropriating \$3,318,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JALCO, INC** for Richmond No. 1 Lift Station Rehabilitation and Westpark No. 2 Diversion, GFS R-0267-A4-3 (WW4728-4); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** - was presented. Council Member Galloway absent. ORDINANCE 2004-0431 ADOPTED.

48. ORDINANCES (22 separate ordinances) granting the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions, to the following: - **FIRST READING**

- 48-1 Affordable Environmental Services - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0431 PASSED FIRST READING IN FULL.
- 48-2 All Star Roll-Offs, L.P. - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0433 PASSED FIRST READING IN FULL.
- 48-3 3CI Complete Compliance Corporation - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0434 PASSED FIRST READING IN FULL.
- 48-4 Cherry Industrial Services, Inc - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0435 PASSED FIRST READING IN FULL.
- 48-5 Chief Consulting Services - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0436 PASSED FIRST READING IN FULL.
- 48-6 Clean Harbors Environmental Services, Inc - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0437 PASSED FIRST READING IN FULL.
- 48-7 Coal City Cob Company - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0438 PASSED FIRST READING IN FULL.
- 48-8 Columbia Environmental Services, Inc - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0439 PASSED FIRST READING IN FULL.
- 48-9 Commercial Care Services, Inc - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0440 PASSED FIRST READING IN FULL.
- 48-10 D'HAWK Grease Trap Company - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0441 PASSED FIRST READING IN FULL.
- 48-11 Empire Waste, Inc - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0442 PASSED FIRST READING IN FULL.
- 48-12 GTM Services, Inc - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0443 PASSED FIRST READING IN FULL.
- 48-13 Intergulf Corporation - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0444 PASSED FIRST

READING IN FULL.

- 48-14 January Transport, Inc - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0445 PASSED FIRST READING IN FULL.
- 48-15 Jefferson Trash Service - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0446 PASSED FIRST READING IN FULL.
- 48-16 NP Vacuum Service - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0447 PASSED FIRST READING IN FULL.
- 48-17 Public Sanitary Works, Inc - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0448 PASSED FIRST READING IN FULL.
- 48-18 Rowell Investments, Inc - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0449 PASSED FIRST READING IN FULL.
- 48-19 Texas Contract Construction, Inc - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0450 PASSED FIRST READING IN FULL.
- 48-20 The Groce Company, Inc - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0451 PASSED FIRST READING IN FULL.
- 48-21 Tommy Miles Garbage Service - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0452 PASSED FIRST READING IN FULL.
- 48-22 XKLEN Corporation - was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0453 PASSED FIRST READING IN FULL.

Mayor White stated that a copy of the Mercer Report on the Funding Status of the Municipal and Police Pension was placed in front of every Council Member. Council Member Galloway absent.

MATTERS REMOVED FROM THE CONSENT AGENDA

ACCEPT WORK

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,399,155.11 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-23-3 (4257-29) - 00.16% over the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; - D - EDWARDS; F - ELLIS; H - GARCIA and I - ALVARADO** - was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs, and tagged by Council Member Edwards. Council Member Galloway absent.
6. RECOMMENDATION from Director Department of Public Works & Engineering for

approval of final contract amount of \$1,218,735.98 and acceptance of work on contract with **PM CONSTRUCTION & REHAB. L. P.** for Rehabilitation of Sanitary Sewers in the FWSD No. 23 Service Area, GFS R-2011-29-3 (4761-2) - 38.34% under the original contract amount **DISTRICT B - GALLOWAY** - was presented, and tagged by Council Member Holm. Council Member Galloway absent.

PROPERTY

8. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceedings styled City of Houston v. ConocoPhillips, a Delaware corporation, et al., Cause No. 811,584, for acquisition of Parcels KY3-068A and KY3-68B; for **IH-10 WATERLINE EASEMENTS PROJECT (Clarborough - Red Haw)**, CIP/GFS S-0900-AS-2 - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. Council Member Edwards voting no, balance voting aye. Council Member Galloway absent. MOTION 2004-0506 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. **HI-WAY EQUIPMENT CO., INC** for Rental of One Asphalt Road Patching Truck for Department of Public Works & Engineering - \$82,560.00 - General Fund - was presented, and tagged by Council Member Wiseman. Council Member Galloway absent.

RESOLUTIONS AND ORDINANCES

13. RESOLUTION approving the action of the City of Houston Higher Education Finance Corporation for Central Houston Parking, LLC (University Parking System Project) - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Galloway absent. RESOLUTION 2004-0010 ADOPTED.
14. RESOLUTION approving and adopting a Revised Investment Policy for the City of Houston - was presented, and tagged by Council Member Wiseman. Council Member Galloway absent.
15. ORDINANCE authorizing the issuance of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2004 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2004, and ending June 30, 2005; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of a Preliminary Official Statement and official notice of sale to be used in connection with the sale of the Notes; authorizing the Mayor and City Controller to award the sale of such Notes to one or more bidders; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and Co-Bond Counsel Agreement; making other findings and provisions relating to such Notes; and matters incident thereto, and declaring an emergency - was presented. Council Member Galloway absent. ORDINANCE 2004-0454 ADOPTED.
- 15a. ORDINANCE approving supplemental borrowing evidenced by City of Houston, Texas Tax and Revenue Anticipation Note, Series 2004A to provide for payment of current expenses of the City for a portion of the Fiscal Year beginning July 1, 2004, and ending June 30, 2005; providing for the payment of the principal of and interest on such Note; authorizing the procedure for determining the terms and conditions of such Note; authorizing the execution of a Note Purchase Agreement; appointing Co-Bond Counsel; making other findings and provisions related to the subject and matters incident thereto, and declaring an emergency - was presented. Council Member Galloway absent. ORDINANCE 2004-0455 ADOPTED.

18. ORDINANCE relating to Impairments and Obstructions of Roadways and Sidewalks; **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, and containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability - was presented, and tagged by Council Members Wiseman and Ellis. Council Member Galloway absent.

Council Member Alvarado stated that she was supportive of the item and there were two issues that she had tried to work into the ordinance but was told they had to be worked in another fashion, that one of the issues that she had been getting calls and emails about from constituents in downtown had to do with trash from the businesses, trash bags that were laid on the sidewalk, they did obstruct the sidewalk and trash was not picked up until Monday morning and it had been out since Friday or Saturday, that she was told they had to work it through one of the Solid Waste ordinances and work with the Downtown Management District to allow them to give them the authority to enforce and issue citations if the trash was not picked up in a timely fashion, the other concern was that they had many newspaper and advertisement dispensers that were along the sidewalk in public right-of-way, that there were stands that were not newspapers, just advertisements and marketing, that was something else they got complaints about so she hoped they could work through those issues, that she had been talking with the Mayor's office and thought they had an avenue to bring those items up, and Mayor White stated that he was aware of those discussions and knew the City Attorney was working on those. Council Members Galloway and Goldberg absent.

Council Member Quan stated that he had also received those complaints in their neighborhoods and Housing and Redevelopment Committee was more than happy to look into that issue and work with Solid Waste in trying to work with the residents in that area. Council Members Galloway and Goldberg absent.

Mayor White stated that he and Council Member Holm were at a civic club meeting last night where the issue came up of deputizing people to issue citations and he thought the issue of if they could deputize certain groups or organizations to issue citations was an issue that was worth some thought and consideration, that that they had also discussed with the Police Chief of the use of retired officers, and Mr. Michel stated that he would look into it right away. Council Members Galloway and Goldberg absent.

22. ORDINANCE designating **BANK ONE, COMERICA BANK, COMPASS BANK, CONCORD BANK N.A., FROST NATIONAL BANK, JP MORGAN CHASE BANK, SOUTHWEST BANK OF TEXAS N.A., TEXAS FIRST NATIONAL BANK, STERLING BANK** and **WELLS FARGO BANK TEXAS, N.A.**, as authorized depositories for City funds - was presented, and tagged by Council Members Sekula-Gibbs and Ellis. Council Members Galloway and Goldberg absent.

Council Member Ellis stated that his issues were delinquent taxes and would probably take a week to sort it out. Council Members Galloway and Goldberg absent.

Council Member Quan stated that it was his understanding that while they were designating the banks now that a second request would be sent out to follow up and other banks would be added in the future, and Mayor White stated that the Agenda Director had indicated to him that the Controller had indicated yes, that he was advised that it was not a closed issue for the year, and Council Member Quan stated that he wanted to make sure that if there were other banks who might interested that they could encourage them to contact the City. Council Members Galloway and Goldberg absent.

Council Member Khan asked if there were any banks considered which were minority owned, and Mayor White stated that because the item had been tagged he hoped they had a chance for the Controller to be able to respond directly. Council Members Galloway and Goldberg absent.

Council Member Sekula-Gibbs stated that she just had a request for more information on how the process was administered, who made the decisions and what was the State requirement and how did they get the message out to the community so that the maximum number of banks were afforded the opportunity to participate and that they encourage all of the local banks to take advantage of it, and Mayor White stated that he thought it would be something that they communicate to the City Controller, who he was sure had taken some of these things into account and that they would like a report on. Council Members Galloway and Goldberg absent.

24. ORDINANCE amending Ordinance Number 2001-1139 to increase the maximum contract amount; providing for an allocation of funds from the Civic Center Facility Revenue Fund for contract between the City and **WALTER P. MOORE AND ASSOCIATES, INC** for Professional Engineering Services relating to Flood Mitigation Design Services - \$575,000.00 - Enterprise Fund - **DISTRICT I - ALVARADO** - was presented. Council Members Galloway and Goldberg absent. ORDINANCE 2004-0456 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City and **HOUSTON ADVANCED RESEARCH CENTER** for Environmental Public Health Services; providing a maximum contract amount - \$345,000.00 - Grant Fund - was presented, and tagged by Council Member Sekula-Gibbs.

Council Member Sekula-Gibbs stated that she would like a chance to meet with the representative of the Health Department on the item, and Mayor White stated that her request was being processed. Council Member Goldberg absent.

27. ORDINANCE approving and authorizing Tax Abatement Agreement between City of Houston, Texas, **THIRD COAST PRODUCE COMPANY, LTD** and **BLUEBONNET FARMS, LTD** **DISTRICT I - ALVARADO** - was presented, and tagged by Council Member Ellis.
28. ORDINANCE approving and authorizing interlocal agreements between the City of Houston and **HARRIS COUNTY, GALVESTON COUNTY**, the **CITY OF PASADENA**, and the **TEXAS DEPARTMENT OF CRIMINAL JUSTICE** for the Project Safe Neighborhood Grant - was presented. All voting aye. Nays none. ORDINANCE 2004-0457 ADOPTED.

Mayor White stated that at a civic club meeting that he and Council Member Wiseman attended he was supposed to send something to the Mayor of Pasadena on the speed limit on a particular road going to Clear Lake and he did not recall having signed that so he was going to have that checked on.

30. ORDINANCE approving and authorizing contract between the City of Houston and **OLSON & OLSON, L.L.P.**, for the Representation of Houston Police Department Officers in the K-Mart Litigation; providing a maximum contract amount - \$200,000.00 - Property and Casualty Fund - was presented.

Upon questions by Council Members, Mr. Michel stated that he believed the law firm was representing the City with only some of the peace officers, that he thought there were those that they had determined initially were operating in good faith, in other words they were not reprimanded as part of the incident, that any police officers that were reprimanded were not being represented by the Legal Department with one caveat, some of the officers may have received reprimands for minor infractions such as paperwork, nothing that really went to the merits of the operation, that it was his understanding that the police officers were not being represented by the Legal Department were being represented by the Houston Police Officers Union attorneys, that if there was liability of officers, whether the City Legal Department was representing or not, the issue for the City's liability was whether the officer was at a policy

making level, which would be at a high ranking level, the police chief or very near that, for purposes of that incident, that the acts of lower level police officers would not bind the City, that the contract was through the trial so if they could end the proceedings before then they would have a cost savings, that based on the information they had now he thought Item No. 30 was the amount of money needed to take it through trial, if that changed at any point they would come back to City Council very promptly, rather than waiting until later; that what the City did in terms of providing a legal defense was a good faith determination of whether the officers were operating properly at that time and the tendency was to err on the side of providing them a defense at this point, that the costs did not go to liability which was a separate issue, that so far they had spent about \$5,000 to date, there had been expunges of records, depositions costs and ongoing discovery and paying the court reports for the transcripts.

After further discussion a vote was called on Item No. 30. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0458 ADOPTED.

Council Member Quan stated that they were joined in Council Chambers by a delegation from Chung Chong, China, which was in northeast China and was considered the sun bright capital of China and was the cradle for the new auto industry in China as well as the film making industry in China, that the delegation was in Houston to study the government of the City of Houston and visit the City and asked them to stand and be recognized. Council Member Edwards absent.

31. ORDINANCE approving and authorizing first amendments to contracts between the City and **MIR FOX RODRIGUEZ, P.C., MCCONNELL, JONES, LANIER & MURPHY LLP**, and **JEFFERSON WELLS INTERNATIONAL, INC** for Internal Auditing and Consulting Services - was presented.

Council Member Khan asked if it was only a financial audit or were they considering, in the future, of doing some kind of management audit for the departments and if that was the case he thought there were some issues which a management audit may reveal, and Mayor White stated that he believed they were financial audits, that in businesses there were management consultant firms but he did not know very many people who use audit firms to do management consulting, and Council Member Khan stated that he was concerned that some type of management audit may help the City in getting the best efficiencies in the City. Council Member Alvarado absent.

Council Member Ellis stated that his question was why Deloitte & Touche decided they wanted to opt out of the extension of the contract, that he was going to tag the item and if the Controller could respond to that question he would appreciate it, and Mayor White stated that he understood there was a conflict they had with the CAFER, but the nature of the conflict he was not sure, and Council Member Ellis stated that he was tagging the item to make sure he got a response, and Mayor White stated that he would get a response from the Controller, and Council Member Ellis stated that he would withdraw his tag on the item.

Council Member Sekula-Gibbs stated that she too was thinking of tagging the item to get some discussion going regarding giving an opportunity to City Council to have an independent pair of eyes to look at some of the issues, particularly the pension, which got them into trouble.

After further discussion by Council Members, a vote was called on Item No. 31. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0459 ADOPTED.

32. ORDINANCE relating to the processing of certain Litigation and Claim Settlements and Water/Sewer Service Refund payments; **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0460 ADOPTED.

33. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** for the Transfer of the Future Development Operations and Maintenance of Nottingham Park from the City to Harris County - **DISTRICT G - HOLM** - was presented, and tagged by Council Member Galloway. (Note: Council Member Galloway released her tag on Item No. 33 later in the meeting.)
38. ORDINANCE approving and authorizing amendment to professional engineering services contract between the City and **KLOTZ ASSOCIATES, INC** for Northeast Water Plant Well Collection Line and Flow Meters for Various Facilities; approved by Ordinance Number 2000-0079 Co. No. 51482, CIP S-0936-04-2 (WA10605) - **DISTRICTS F - ELLIS and G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2004-0461 ADOPTED.
39. ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional services contract with **QUADRANT CONSULTANTS, INC** for Safe Sidewalk Program E0 Project, CIP N-0610A-E0-2 (SB9136); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented, and tagged by Council Member Wiseman.
40. ORDINANCE appropriating \$434,487.93 out of Water & Sewer System Consolidated Construction Fund and \$2,912,711.23 out of Street & Bridge Consolidated Construction Fund to Reimburse **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the City's Cost Participation in the Reconstruction of Dixie Drive from Alameda Road to Bowling Green Street under the Urban Street Program Agreement (approved by Ordinance No. 00-0106); CIP N-1309-01-3 (SB9091); providing funding for contingencies - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2004-0462 ADOPTED.
42. ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for professional engineering services under contract with **HVJ ASSOCIATES, INC** for Pavement Management Maintenance Program (PMMP), CIP N-0667-02-2 (N-0667); (approved by Ordinance No. 2001-0610); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented, and tagged by Council Member Wiseman.
44. ORDINANCE appropriating \$336,298.10 out of Public Health Consolidated Construction Fund, awarding construction contract to **A-TEC ENGINEERS AND CONTRACTORS, L.P.** for Construction of Bio-Safety Level 3 Laboratory (BSL3), GFS H-0029-02-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for contingencies, construction management and Civic Art Program relating to construction of facilities financed by Public Health Consolidated Construction Fund and the Public Health Preparedness Bioterrorism Grant Funds - \$628,000.00 Grant Fund - was presented, and tagged by Council Member Sekula-Gibbs. (Note: Council Member Sekula-Gibbs released her tag on Item No. 44 later in the meeting.)
45. ORDINANCE appropriating \$118,992.50 out of Public Health Consolidated Construction Fund; determining that the formal taking of competitive bids is not required for the work described herein; approving and authorizing contract between the City of Houston and **CST ENVIRONMENTAL, INC** for Asbestos and Mold Remediation at Riverside Health Center, CIP H-0052-01-5, and approving and authorizing additional funds for Professional Services Contract No. 050900 with **ENVIRONMENTAL RESOURCE CONSULTANTS, INC** (Authorized by Ordinance No. 99-1036); providing funding for construction management and contingencies relating to construction of facilities financed by the Public Health Construction Fund - **DISTRICT I - ALVARADO** - was presented.

Council Member Edwards asked how the work would fit into the timeline of opening up Riverside by August 2004, and Mayor White stated that the item was part of the timeline, that the last timeline he saw, for opening up the clinic, was for January 2005 with December 2004 construction completion, that there would be some other appropriations for parts of that, and if the Council Member Edwards was interested he knew that part of a weekly report he got concerned the Riverside Clinic and would ask a member of his staff, who was observing the meeting, Ms. Elena Marks, would make sure that Council Member Edwards would have periodic status reports.

A vote was called on Item No. 45. All voting aye. Nays none. ORDINANCE 2004-0463 ADOPTED.

Council Member Sekula-Gibbs stated that it was an important day because it was finally the beginning of the renovation of Riverside Clinic and she thanked her colleagues for voting for it, it was the first step towards repairing a clinic that was one of the seven City clinics which had been closed since March 2002 and for the people in the Third Ward area it had been a devastating loss of preventive care in the neighborhood and they were deeply in need of having that care restored, and in addition to the preventive care hopefully they would also be able to enhance that care with the goal of putting a federally qualified health center into Riverside.

Council Member Edwards asked if Ms. Marks could give her an update as to where they were with the process of who was going to operate the clinic and how close they were to getting that information, and Mayor White stated that would be done.

47. ORDINANCE appropriating \$5,696,700.00 out of Water & Sewer Contributed Capital Fund, awarding contract to **LAUGHLIN-THYSSEN, LTD.** for 48-Inch Water Line and 24/20-Inch Well Collection Line along North Dairy Ashford Road, Old Katy Road, and Well Site #2 Private Access Drive from North Eldridge Parkway to Wickchester Lane, GFS S-0900-84-3 (WA10624-02); providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Water & Sewer Contributed Capital Fund - **DISTRICT A - LAWRENCE** - was presented. Council Member Edwards voting no, balance voting aye. ORDINANCE 2004-0464 ADOPTED.

NON CONSENT AGENDA - NUMBERS 49 and 50

MISCELLANEOUS

49. MOTION to set a date not less than seven (7) days from May 12, 2004, to receive nominations for Positions Six and Seven on the **CIVIC ART COMMITTEE** with terms to expire on January 1, 2006 - was presented.

Council Member Alvarado moved to set May 19, 2004 to receive nominations for Positions Six and Seven on the Civic Art Committee, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0507 ADOPTED.

PURCHASING AND TABULATION OF BIDS

50. **AMEND MOTION #2004-271, 3/10/04, TO INCREASE** quantity of Item 29 awarded to **PHILLPOT MOTORS, LTD** and award Item 21 to **LAWRENCE MARSHALL FORD-MERCURY, L.P.** in connection with bids received for Light-Duty Trucks, for a total increase of \$110,516.00 Equipment Acquisition Consolidated Fund - **REQUIRES THREE MOTIONS** - was presented, and tagged by Council Member Wiseman.

Council Member Berry stated that they had talked over the last couple of years about some sort of a vehicle policy and an inventory of the vehicles they had, there was an incredible

cost to maintaining the vehicles, not just the purchase price but the maintenance and fuel and obviously some degree of liability, that something they had talked about was a vehicle pool as opposed to replacing every vehicle they had in the inventory with another vehicle, so he would just ask before they moved with the item or any other vehicle purchase that they attempt to get a grasp on their vehicle policy, what their fleet was going to look like and what the operations were going to look like.

Mayor White stated that he had a meeting with Mr. Wells on one item, how to reduce the gas consumption of the fleet and thought there were two other items that they could be prepared to discuss at that time and report back, that one of the issues that he had noted when he listed a bunch of controversial issues for Fiscal Affairs to consider was the issue of take home vehicles, that they ought to have some policies on that to reflect the appropriate treatment of that, that they wanted to manage the City in a way that was cost effective, and Council Member Ellis stated that was something that they had been looking at and he had met with Mr. Hall, that it was not a huge number and they had pushed it to the back burner but they would get to it.

MATTERS HELD - NUMBERS 51 through 56

51. **HELENA CHEMICAL COMPANY** - \$1,525,824.91; **BWI-SCHULENBURG** - \$202,652.00; **RED RIVER SPECIALTIES, INC** - \$183,793.90; **ESTES, INC** - \$433,733.16; **SAN JACINTO ENVIRONMENTAL SUPPLIES** - \$51,511.25; **PRO ALLIANCE** - \$128,621.22 and **UAP TIMBERLAND, LLC (Bid No. 2)** - \$1,905,264.98 for Chemicals, Lawn, Garden and Insecticide for Various Departments - \$4,434,401.42 - General, Enterprise, Stormwater Utility and Park Special Revenue Funds – **(This was Item 19 on Agenda of May 5, 2004, TAGGED BY COUNCIL MEMBER HOLM)** – was presented.

Council Member Wiseman stated that she had brought to the Parks Department's attention her displeasure with the manner in which they used chemicals to remove overgrown weeds in parks where children played, that the community was concerned about the use of the chemicals where the children played, the unsightliness of what was left there to rot was also objected to by her constituents and herself, that she would not delay the item but would vote no.

After further discussion Mayor White asked Mr. Fontaine if he was aware of the issue they were discussing and if not he would let him know following the meeting, that they would go ahead and move on Item No. 51 but as a matter of policy in the administration there was an issue raised, that he was not aware of, by Council Member Wiseman and he wanted detailed information which would be simultaneously provided to Council Member Wiseman concerning the item.

After further discussion Item No. 51 was moved by Council Member Alvarado, seconded by Council Member Holm. Council Member Wiseman voting no, balance voting yes. MOTION 2004-0508 ADOPTED.

52. ORDINANCE awarding contract to **ARCH WIRELESS OPERATING COMPANY, INC** for Pager Rental Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,047,874.80 - General, Enterprise, Grant and Other Funds – **(This was Item 35 on Agenda of May 5, 2004, TAGGED BY COUNCIL MEMBERS EDWARDS and ALVARADO)** – was presented.

Council Member Alvarado stated that she passed out a memo to all the Council Members, that she thought they could do a better job of accountability and keeping track of pagers, that she understood that some departments had numerous accounts, there were employees who had a pager, blackberry and a cell phone and most cell phones worked as a pager, that she knew Ms. Judy Johnson's office was trying to get a handle on it and had assured her office that they were going to do a better job of being more accountable on who had pagers, the

disbursements of pagers and hoped that through the action she was taking that they would have a better system of accountability for pagers, cell phones and blackberry's.

Council Member Lawrence stated that she too had a concern on the item and had asked for some follow up, that she had asked for a very specific example, that Fire had a little over 350 pagers, that she found that unacceptable, that to spend a million dollars for pagers they did not need she had a problem with.

Council Member Wiseman stated that she would tag Item No. 52.

Council Member Berry stated that it was a three year contract and if they looked at Ms. Johnson's memo she said there were a lot of questions they were still working through, that it was a lot of money for something that they would find in the long run that they did not need.

53. ORDINANCE approving and authorizing second amendment to the Master Agreement for the acquisition of Microtechnology Hardware and Software Products and associated services between the City of Houston and **TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR)** to allow the City to use DIR's Go Direct Program to add products and services and to streamline the procurement process – **(This was Item 36 on Agenda 5, 2004, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented, and tagged by Council Member Wiseman.

Council Member Edwards stated that in addition to it being tagged by Council Member Wiseman that they look at bringing the item to the MWBE Committee for discussion, that there were some new components to the contract, especially regarding Go To part of it and as it related to their minority vendors she thought it would be well served to have a full discussion of how the new section worked and how the vendors could take advantage of that.

Council Member Galloway stated that the MWBE Committee had already posted a meeting for Monday at 1:00 p.m. and it would be one of the topics for discussion.

54. ORDINANCE approving and authorizing contract between the City of Houston and **FRANKLIN & WILSON AIRPORT CONCESSIONS, INC** for Specialty Retail Concession at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY** – **(This was 54 on Agenda of May 5, 2004, POSTPONED BY MOTION #2004-487)** – was presented.

Council Member Berry stated that they had a special TIA meeting on Monday to hear from the Airport and there were only two bids for each of the separate contracts and unfortunately there was no local bidding, but they looked at the sign in list and the people who were given an opportunity so he had no further questions and it looked like the Airport did exactly what they asked them to do.

A vote was called on Item No. 54. All voting aye. Nays none. ORDINANCE 2004-0465 ADOPTED.

55. ORDINANCE approving and authorizing contract between the City of Houston and **AIRPORT CONCESSIONS, INC** for Specialty Retail Concession at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY** – **(This was 55 on Agenda of May 5, 2004, POSTPONED BY MOTION #2004-488)** – was presented. All voting aye. Nays none. ORDINANCE 2004-0466 ADOPTED.

56. ORDINANCE approving and authorizing contract between the City of Houston and **CBR INCORPORATED** for Specialty Retail Concession at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY** – **(This was 56 on Agenda of**

May 5, 2004, POSTPONED BY MOTION #2004-489 – was presented. All voting aye. Nays none. ORDINANCE 2004-0467 ADOPTED.

Council Member Galloway stated that she would release her tag on Item No. 33 and Council Member Sekula-Gibbs stated that she would release her tag on Item No. 44.

33. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** for the Transfer of the Future Development Operations and Maintenance of Nottingham Park from the City to Harris County - **DISTRICT G - HOLM** – was again before Council. All voting aye. Nays none. ORDINANCE 2004-0468 ADOPTED.
44. ORDINANCE appropriating \$336,298.10 out of Public Health Consolidated Construction Fund, awarding construction contract to **A-TEC ENGINEERS AND CONTRACTORS, L.P.** for Construction of Bio-Safety Level 3 Laboratory (BSL3), GFS H-0029-02-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for contingencies, construction management and Civic Art Program relating to construction of facilities financed by Public Health Consolidated Construction Fund and the Public Health Preparedness Bioterrorism Grant Funds - \$628,000.00 Grant Fund – was again before Council. All voting aye. Nays none. ORDINANCE 2004-0469 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Berry stated that they were going to have a joint Council Governance and TIA Committee meeting on Monday, May 24, 2004 at 10:00 a.m. and would be discussing the 2025 issue. Council Member Khan absent.

Council Member Ellis stated that on Item No. 48 he believed it required three readings and they had three companies that were delinquent on their ad valorem taxes and hoped that the Agenda Director could work with them to try and clear it up before the last reading. Council Member Khan absent.

Council Member Ellis stated that the budget hearings would start on Tuesday, May 25, 2004 and some Council Members had weighed in about how they would like the meetings to be conducted, that this year they would notice on the schedule that was circulated the meetings were only scheduled for 30 minutes, that one of the things he was going to request from the department heads that it was not a time for them to come in and validate their position, they knew they worked hard and offered a lot to the City, but they would prefer that if there were Council Members that would like to hear from the department heads about what those departments were doing that they meet with them individually prior to the budget hearings, that he believed he would allow the department heads to open with about a 5 minute comment about this years budget and if they wanted to compare it to last years budget or whatever the process would be and then they would start questioning, that he would request that Council Members submit questions 24 hours prior to that department head coming before the committee, that was not to say if during the hearing that if they had a question they could ask the question at that time if they had not submitted it but the department head was unable to answer it, it would be kind of the Council Members fault, that they would request from the department head if they were unable to answer the question at that time that they write down the question and submit a written answer to all the Council Members, not just the Council Member who asked the question, that he thought it would allow everything to run smoother, that there were some questions as to when the Mayor would release the budget, earlier was better, and Mayor White stated that the intention was to do so next Wednesday, immediately before the Council meeting in open session, and for him to provide a brief along with the F&A Director, Council Members and others and get feedback on Monday and Tuesday of next week, that they appreciated the feedback from Council Members, that they had to get the process started. Council Member

Khan absent.

Council Member Ellis stated that they had a new administration and those Council Members who had been on Council for four or two years had noticed that the process was somewhat different this year, that they skipped the budget priorities that were usually submitted by Council Members to the administration, he did not think it was a bad or good thing, it was just what had occurred, that he needed to get with the administration and request how they were going to submit their budget amendments, and Mayor White stated that he would look for his guidance, that they ought to consider the issue of process in a way that gave people input and Council Member Ellis stated that he would get together with the F&A Director, Mr. Hall and Mr. Michel and move forward on it and try to come up with some rules that they would bring forward and allow the body to vote on. Council Member Khan absent.

Council Member Goldberg stated that he wanted to wish a happy birthday to Mr. Tom Bradshaw, the photographer who was present at Council every Tuesday, and also Ms. Carolyn Lacye. Council Member Khan absent.

Council Member Goldberg stated that Roger Clements moved into second place all time major league strikeouts pitching, that number one was also a native Texas, Nolan Ryan. Council Member Ellis absent.

Council Member Goldberg stated that the report on the Municipal Employees Pension was laid on their table and showed that in the Municipal Employees Pension an estimated unfunded actuarial accrued liability as of July 4, 2004 of \$1.9 billion, how did they get there, that they did not set the benefits the pension board did, and they also set the revenue, which they got through their investments, that the pension board was assigned the responsibility of making sure that it was a fiscally prudent pension and with a \$1.9 billion shortfall they had not done that, that in March to July of 2003, Towers & Perrin finally started getting the data that was necessary to do the evaluation process and on July 16, 2003 they delivered a preliminary draft to Mr. David Long, Executive Director, and that was when he knew about the billion dollar shortfall, there was no doubt about it and it became public two days before the vote on Proposition 15, two days before the election, that on September 11, 2003 the final draft was delivered to the board, that was a huge problem, that he did not know how long Mr. Long had been the Executive Director but he was responsible for the \$1.9 billion shortfall, that he knew he was educated, that he asked Mr. Long to give him a list of all the trips that he had made since June 2000 regarding pension business and he had made 74 trips, they were all documented, that they were not paid by him, he had made trips to places like Las Vegas, 5 times, the Bahamas, London, Alaska, West Palm Beach and Key West, that it was paid for out of the pension money, not his personal money, that out of the 74 trips he listed that 46 were for education purposes, that on top of that he gets \$160,000 per year salary and he did not know if it was every year, but the pension board kept giving him a bonus for the great job he was doing on top of that, that he did not know what the Mayor would do with an employee who came up with a \$1.9 billion mistake in their figuring but did not think they would be around very long, that on top of that he got the pension board to give him 2 for 1 credit on his years of service, that the pension board and the director were a disgrace and out of control and thought in the future they needed to do something about it.

Council Member Ellis stated that as they talked to the Municipal Pension Board and the Police Officers Pension Board it struck him unusual that they believed that their only responsibility was to oversee the assets and have a good return on the assets, which he agreed, but they did not believe it was their responsibility to have a sound system a sound fund that would be there 10, 20, 30 or 40 years from now, and they say if they go and increases benefits to the employees that it was the responsibility of the taxpayers and it was irresponsible and gross negligence what had occurred with the two pension boards and it was unfortunate that the City Council had been stripped of any ability to control the pension systems, as they all knew the pension systems derived their authority from the Legislature, that he concurred with

what Council Member Goldberg said about the directors of the pension boards and thought they needed to be held accountable and they needed to start looking to the executive directors.

Council Member Wiseman stated that she wanted to thank the Mayor for his support of their efforts to retain the 147th Fighter Wing at Ellington Field and the efforts to continue NASA funding, that as the Clear Lake representative she was very appreciative of that, that she had the opportunity to take part in a grassroots effort in Washington, D. C. last week on behalf of the community and wanted to thank the Mayor for his support and letter of support, which she had the opportunity to read to the group in assembly, they were very appreciative and she wished to relay that back to the administration, that she managed to arrange a meeting with the Department of Homeland Security and that was a very beneficial meeting and was hopeful they would see very soon the results of their efforts.

Council Member Wiseman stated that she would be having a townhall meeting tonight at the Clear Lake Recreation Center on Diana Lane from 7:00 p.m. to 9:00 p.m. to discuss the upcoming election.

Council Member Wiseman stated that at Arlington Heights a vacant lot located next to the Colonial Oaks Apartment Complex on South Shaver was un-kept and full of trash and debris and vagrants had been congregating behind a brick wall, that it was an unsafe area and she would like the City to address the issue, the residents in the community would like to feel safe in their own neighborhood.

Council Member Wiseman stated that she had some photos of a home in District D that the community, Beverly Hills Subdivision, had been fighting for some time to have cleaned up or removed for 10 years, they had asked for the assistance of the City and went to court on April 16, 2004 and the owner did not show up so a warrant was to be served and a new court date set, that she would ask for the opportunity to meet with representatives of the administration to see what they could do to help those folks out.

Council Member Wiseman stated that the lights in Kingwood, Kingwood Drive in particular, that she heard from constituents about the need to have those lights timed, that the people of the community were tired of always having to deal with it every week, they would like to know what could be done to permanently address the issue, that she requested assistance on that.

Council Member Wiseman stated that the matter concerning the proposed wrecker tow ordinance, many people were unaware of the consequences of that ordinance if it was passed as it had been presented, if a person's vehicle for whatever reason, a flat tire, if they ran out of gas, whatever the reason, if they safely moved their vehicle from the flow of traffic on to the shoulder, it mattered not, their vehicle would be towed, that she found that shocking, to have their property taken from them without their consent, even if they voiced their objection, simply because of the ordinance, in her opinion, they were violating the Civil Rights Act and commerce clauses, that she could not imagine seeing people put into that position. Council Members Ellis and Quan absent.

Council Member Galloway stated that she had passed out a little gift to each Council Member to show that she appreciated her colleagues around the table who were present every Tuesday and Wednesday trying to do the business of the City. Council Members Goldberg and Ellis absent.

Council Member Galloway stated they would have a MWBE meeting on Monday at 1:00 p.m., that they were going to have the new Police Chief meeting with constituents of District B on May 24, 2004 at the Kashmere Multi Purpose Center at 6:00 p.m. at 4802 Lockwood Street. Council Members Goldberg, Ellis and Berry absent.

Council Member Green stated that while he understood that they were having to make some cuts and really get a handle on the budget situation one thing he would like to offer the

administration was to maybe have some workshops, resume type workshops, some sort of training that would assist those people in finding employment elsewhere, that while they may not be able to lessen the blow they may be able to help them and he would be willing to work with the administration on that because many of those employees that was all they knew and they may not be cross trained in something else and if in fact there were other employment positions available within the City maybe they should investigate using those people in other positions in the City because they had done a lot for the City and he would hate to see them turned out into the streets. Council Members Goldberg, Ellis and Berry absent.

Council Member Green stated that on May 17, 2004 was the 50th anniversary of the United States Supreme Courts landmark decision in Brown vs. Board of Education which abolished the separate but equal doctrine throughout the United States and to that end the NAACP was sponsoring a luncheon and reenactment of the Brown vs. Board of Education closing arguments at the George R. Brown Convention Center and for people wanting to attend that event they could call the NAACP at 713-526-3389, that he thought that Ms. Linda Brown Johnson, who was the main plaintiff in that case would be in attendance on Monday so he would encourage people to help celebrate that landmark decision. Council Members Goldberg, Ellis and Berry absent.

Council Member Edwards stated that she loved the enthusiasm of the new City Council Members, they were aggressive and right in the mix, that Mr. Terrance Fontaine on the Mayor's staff was an awesome guy and followed through even if it was something she did not like, that he was the one who was always responding, that he helped her get done a lot of stuff that they were trying to get done in the community. Council Members Goldberg, Ellis and Berry absent.

Council Member Edwards stated that last night they had a meeting in the Alameda Plaza area with Ms. Beula Maxie, that about six months ago they had a problem with sex offenders in the Yellowstone area of District B and they had a serial child molester, that one of the things that helped HPD was that the community decided that they were not just going to sit by and be passive victims and under the leadership of Lieutenant Dorothy Edwards and Officer Virgil Radliff and their command staff they were able to put together a neighborhood program that was working now in that area, that in Ms. Maxie area they were experiencing similar types of issues and Captain D. J. Williams was at the meeting and hopefully they would be able to take the model that was built out of the incidents in the South Park and South Union area and help Ms. Maxie with what they were doing, that she wanted to commend Captain Williams in being able to help people separate myth from fact and how to really get on top of that, that she wanted to applaud Ms. Maxie's leadership in bringing it to a point where they could really get on top of it. Council Members Galloway, Goldberg, Ellis and Green absent.

Council Member Edwards stated that they had talked about her concerns regarding the LARA board and she was going to submit, in official memo form, the issue regarding the State Legislation position and hopefully they could get that done, that she was not really clear on where they were on LARA and asked Council Member Quan if he could give her an update, and Council Member Quan stated that it was on their agenda for the coming Tuesday, they had a couple of meetings and thought they were looking at the fact that a lot of the properties were being sold, that Mr. Tinnerman was scheduled to appear before their committee on that. Council Members Galloway, Goldberg, Wiseman, Ellis and Green absent.

Mayor White stated that it may very well be because of the power of some of the market forces on neighborhoods the need for legislation was great and they did not want to target one district or one area for LARA, having said that there were some areas where people were concerned about anybody staying there, much less gentrification, that they had a pilot project, but where did they go next, that he would like to see someone scale up after the pilot program in an area with critical mass, but there were areas in her district where they were having a hard time competing with the private market. Council Members Galloway, Goldberg, Wiseman, Ellis, Green and Berry absent.

Council Member Edwards stated that she appreciated his mentioning it, that it gave her hope as it could be a sustainable development in the community.

After further discussion Council Member Galloway moved to extend Council Member Edwards presentation time for two minutes, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Galloway, Wiseman, Khan, Ellis, Green and Berry absent.

Mayor White stated that he needed help from to time on ideas, that he had gotten a lot of suggestions from Council Members of people who wanted to serve on boards and commissions and there was going to be a much faster pace of appointments when they got passed the budget and he really appreciated that input from Council Members, that he had a diverse group serve on various panels but had not had as much different representation of the different demographics of the community, and Council Member Edwards stated that she appreciated the people that the Mayor had on his task forces, but her concern was that people called her and she had no way of responding to those questions, that her suggestion would be not necessarily a people change but that the process allow for more access to those persons while they were developing whatever they were developing. Council Members Galloway, Wiseman, Ellis, Green and Berry absent.

Council Member Lawrence stated that she wanted to recognize two neighborhoods in District A, Oak Forest and Magnum Manor, they were older neighborhoods and they had stepped forward and done all of the esplanades on Antoine through raising money, planting trees and flower beds, that at 6:00 a.m. every morning of the week they were picking up trash and taking care of the esplanades. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Lawrence stated that the 100 Club would be having their annual banquet recognizing outstanding firefighters and law enforcement officers, that they were very fortunate to have groups like that in the County. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Garcia stated that it was National Police Week and they were at the memorial yesterday and they appreciated the Mayor being present and his comments, and requested a moment of silence in memory of the fallen officers. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Garcia stated that he wanted to commend the Mayor on his appointment of Chief Phil Boriskie as Fire Chief and was looking forward to incorporating more issues and railroad projects in the Public Safety Committee. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Garcia stated that in relation to the HEC Center, he attended a meeting yesterday which Mr. Bales was coordinating addressing the issues at hand and wanted to commend the administration because everyone who needed to be there was present and taking a very focused look at what was occurring, that he was excited about the work that was being done and the accountability that was being put where it needed be put and it seemed to be outside the City and he appreciated that because they wanted to make sure the HEC Center was functioning. Council Members Galloway, Goldberg, Wiseman, Green and Berry absent.

Council Member Garcia stated that the as to the Regional Transportation Plan, 2025, he wanted to say that District H was right in the middle of it and his community was extremely concerned about what may happen and understood that there were different levels of approval and it was a plan in concept, but they had made it very clear if they did not raise the issues now there was a great probability that many of the things they were concerned about may become a reality without being able to look back and correcting it, that he heard the Mayor take notice

yesterday when those folks were speaking and he looked for more in depth dialog on the issue. Council Members Galloway, Goldberg, Edwards, Wiseman, Green and Berry absent.

Mayor White stated that on the last point, he wanted to keep citizens enthusiasms and if the 2025 Plan was a rally cry for getting citizens involved, great, that the current plan did include the rail lines. Council Members Galloway, Goldberg, Edwards, Wiseman, Green and Berry absent.

Council Member Holm stated that she wanted to thank Mayor White for being with the Rice Military Civic Association last night, they had a packed house, that they addressed several issues directly related to the livability and how the people in the neighborhoods were existing, and when they left there they went to another civic association meeting, the Piney Point, who had the same cries, and it all had to do with the things that were happening and impacting their neighborhoods and how they were getting there, that she all of her colleagues who represented districts it was the most important thing to them and it was the quality of life for their constituents, that they needed to be working for a better process in order to meet the needs and so she would like to offer the Quality of Life Committee to work with the Housing Committee to really address the issues and have Council participate with the departments in the process of how they might restructure to make it work better for their citizens, and Mayor White stated that they needed to think about what they did so they would have as many people moving in parallel with the dividing and allocation of work as they could, that he had asked Council Member Alvarado to help and if they could forge a consensus, but if not then make a recommendation on how they would organize themselves on some issues where they would not have a mis allocation. Council Members Galloway, Goldberg, Edwards, Wiseman, Green and Berry absent.

Council Member Holm stated that as to the 2025 plan, they had heard from a lot of citizens and thought there was a lot of concern because what they saw was a lot of input of road construction without a plan because it really was not a plan, that she thought they had not addressed a far reaching plan of their needs, that she thought it was a cry for them to embrace where they were, where they were going and what their needs were and how they were going to look to the future in order to meet the transportation needs, but at the same time make sure that they consider how it impacted their community. Council Members Galloway, Edwards, Wiseman, Green and Berry absent.

Council Member Holm stated that Saturday was a big special election for the City of Houston, on May 15, 2004 they would vote on the consideration of opting out of the pension plan that would allow the Mayor and City Council to look at providing for a fair and equitable plan for their employees and their taxpayers and one that they could afford. Council Members Galloway, Edwards, Wiseman, Green and Berry absent.

Council Member Alvarado stated that she wanted to commend Council Member Goldberg for raising the issue earlier regarding the executive director and thought he took time to shed some like on that, that it seemed the more they learned the more disgusted they became with what they had in hand. Council Members Galloway, Edwards, Wiseman, Green and Berry absent.

Council Member Alvarado stated that she wanted to commend Council Member Holm, that she heard from numerous people about the diligent work she was doing on the 2025 and was glad that Council Members Holm and Green were representing the Council on the RTP and keep up the good work. Council Members Galloway, Edwards, Wiseman, Green and Berry absent.

Council Member Alvarado stated that one issue she had raised last year, which was addressed, but had gotten out of hand again, it had to do with meters being bagged downtown for special events, there was a special event Friday evening in the Market Square area but the

meters were bagged Thursday and not removed until Monday meanwhile nobody could park there and a lot of the business owners were complaining that their customers could not find any parking in Market Square and it had happened throughout downtown, that she did not see why the meters could not be bagged about 24 hours prior to the event and then afterwards immediately removed, that she would appreciate if someone could address it, and Mayor White stated that there would be follow up. Council Members Galloway, Edwards, Wiseman, Green and Berry absent.

Council Member Sekula-Gibbs stated that she encouraged everyone to go out and vote on the pension issue on May 15, 2004. Council Members Galloway, Edwards, Wiseman, Green and Berry absent.

Council Member Sekula-Gibbs stated that a critical situation in Harris County was the matter of the uninsured, they had over a million uninsured Harris County residents, if they included those who came from surrounding counties to get their health care in Harris County, that meant roughly one in four Harris County people did not have health insurance, that it was very gratifying to see Mayor White and Judge Eckels standing shoulder to shoulder with the people from the Houston Endowment as well as the Harris County Hospital District and representatives from the Robert Wood Johnson Foundation and other foundations who typically cared for uninsured recognizing the need and talking about ways that the City, the County and the Hospital District could partner to deal with it, that she wanted to thank the Houston Endowment for contributing \$1.5 million to the County and the Hospital District as a matching grant that would go to Gateway to Care, of which she served as Chair of the Gateway to Care Taskforce to bring new federally qualified health centers to their area, that their goal was to have 11 new clinics by 2006. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Sekula-Gibbs stated that about three or four weeks ago she complained that Sylvan Rodriguez Park had been falling into disrepair, that the Parks Department took the initiative and really made some magnificent changes, that she visited the park on Sunday and was pleased to report that they had made a dramatic turnaround and improvement, there were many families enjoying the park, but at the same time and they discussed it at the Quality of Life meeting yesterday, it was a situation that was serious because when they took resources from one park and directed it to another they were really robbing Peter to pay Paul, that the Parks Department operated now with one grounds maintenance worker for every 22 acres of land and the national average was one for every 17 acres, that they had opportunities reflected in an agenda item that Council Member Holm was successful in bringing to Council and that was an inter local model of covering Nottingham Park where they had a City park that would now be shared with the County for development and maintenance, that it was something that they could repeat across the City and make best use of the land and operating expenses. Council Members Galloway, Wiseman, Green and Berry absent.

Mayor White stated that they needed to do a better job in maintenance and part of that involved how they allocated personnel and the Parks Department had been reviewing that and had some experts come in, that when they looked at the Parks budget there were some difficult choices that would be made and thought that was a goal that people needed to keep in mind. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Khan stated that he wanted to thank Council Member Edwards for her kind words, but could tell them that all the senior Council Members had role to play in their being more effective and also the Mayor's leadership must be appreciated in moving the City forward. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Khan stated that on Monday he was invited to break bread with the C Shift of Fire Station No. 28 and wanted to recognize all the people who were present, that it gave him an opportunity to see what they really did and their togetherness, that they were all extremely excited with the Mayor's selection for the new Fire Chief, that firefighters had some

specific needs and one of them was an infra red thermal imager and requested that the Mayor take a look into obtaining that equipment for the firefighters. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Khan stated that he appreciated Ms. Saba Abashawl for all her work especially during the OTC (Oil Technology Conference) last week and all of the different events that she organized. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Khan stated that the South Asian radio program, one of the largest city, Sangrid Radio, it was their seventh anniversary and congratulated them because they were not only a good source of information but also a good civic partner in the City. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Khan stated that yesterday they received a parkland inventory of the sports fields by districts, that District F was again at the bottom, they had one of the lowest number of sports fields and they had the least number of park acreage in their district. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Quan stated that they would be having a Neighborhood Housing and Redevelopment Committee meeting on Tuesday and two weeks ago Council was supportive of the resolution about ending chronic homelessness, that they would have a full report from Dr. Rita Linda DeAndre who was heading up the strategy on that, she would be doing a presentation about how that implementation would take effect. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Quan stated that he and Council Member Berry had been working on the issue of sidewalks and they would have Ms. Judy Butler also come before the committee to talk about the Sidewalk to Standards and Neighborhoods to Standards Program so people could understand what was going on now and how they could amend or modify it and what they could do to make it better, that they were willing to work with the Quality of Life Committee on Neighborhood Protection issues and deeds. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Quan stated that he had been working the American Institute of Architects for the past two years on a strategic plan for housing, a comprehensive proactive plan that did not just look at building houses but looked at transportation, schools, drainage, everything when they built neighborhoods, so he was proud to say they would be having a final report coming up soon from that committee on housing strategies for Houston, that he wanted to brief the Mayor with that report before they presented it to the public. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Quan stated that he had been in touch with the Housing and Community Development Department and as they knew they annually turned in a plan to HUD as to how to pass the CDBG dollars, HOME dollars and other funds that they got, that he had been pushing for a date to get that hearing because they needed to get the consolidated plan done soon because it was part of the budget and right now they had given them a date of June 2, 2004, Wednesday, at the City Hall Annex at 6:30 p.m. for the Consolidated Plan, that people needed to be there if they wanted to push for projects in their neighborhoods. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Quan stated that he wanted to recognize a long time employee who had opted for retirement, Ms. Verna Reese, the Mayor's scheduler, that she had worked under Mayor's Hofheinz, McConn, Whitmire and Brown, that she always had a wonderful attitude and he wanted to acknowledge her for her 30 years experience with the City of Houston. Council Members Galloway, Wiseman, Green and Berry absent.

There being no further business before Council, the City Council adjourned at 11:37 a.m. upon MOTION by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. Council Members Galloway, Wiseman, Green and Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary