

City Council Chamber, City Hall, Tuesday, February 22, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 22, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Jo Wigington, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Mr. Xavier Herrera Citizens Assistance Office and Ms. Marty Stein, Agenda Director, present. Council Member Carol M. Galloway absent due to death in the family.

At 2:06 p.m. Mayor Pro Tem Alvarado stated that Council would begin presentations and called on Council Member Quan who invited the Counsel General of Guyana, Ms. Terry Reif to the podium; Ms. Reif stated that she was present to awaken the consciousness of the people of America to plead for flood relief aid for Guyana; that 80% of their population lived behind dykes and they had experienced the worst flood since the 1920's; that much of them had flooded to six feet and disease from flood waters was now rapidly flooding with 43 deaths reported; and asked that help please be provided. Mayor White, Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Berry invited Mr. Skipper Lee Frazier to the podium and stated that as they celebrated Black History Month it was a pleasure to invite a living legend to the podium; that he worked in radio and television and more; that he was inducted into the Radio Hall of Fame and presented him a Proclamation commending and saluting him, extending best wishes for continued success and proclaimed February 22, 2005 as "Skipper Lee Frazier Day" in Houston, Texas. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia invited the representatives present with the Conoco Phillips Rodeo Run Day to the podium and stated that last year there were about 5,000 runners and it was his honor to present them with a Proclamation proclaiming February 26, 2005 as "Conoco Phillips Rodeo Run Day" in Houston, Texas. Mayor White, Council Members Lawrence, Wiseman and Ellis absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado called the meeting to order and called on Council Member Edwards who invited Pastor James Nash to lead in the prayer and then Council Member Edwards led in the pledge. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

The City Secretary called the roll. Council Member Galloway absent due to death in the family.

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

Council Member Khan requested that Ms. Sarah Cizek keep her position at the top of the list of the three minute speakers.

Council Member Edwards moved to take Pastor James Nash out of order. Mayor White stated that if there were no objections it was so ordered.

Council Member Holm moved to take Ms. Lorraine Wulfe, Ms. Elaine Jefferson, Dr. Susan Escudier, Dr. Luis Velez, Mr. Stephen Barth and Ms. Elouise Jones out of order after Ms. Ruth

Tijerina, seconded by Council Member Khan. Mayor White stated that if there were no objections it was so ordered.

Council Member Quan moved to take Ms. Betty Willis out of order after Rev. James Nash, seconded by Council Member Khan. Mayor White stated that if there were no objections it was so ordered.

Council Member Green moved to take Ms. Jaunetta Johns and Mr. Clinton Johns out of order after Ms. Betty Willis, seconded by Council Member Khan. Mayor White stated that if there were no objections it was so ordered.

Council Member Garcia moved to take Ms. Rachel Munbon, Mr. Ruben Holmes, Ms. Gloria Rubac and Ms. Lillian Jones out of order following Mr. Clinton Jones. Mayor White stated that if there were no objections it was so ordered.

Mr. Phillip Schneidau, 4625 San Felpe #750, Houston, Texas 77027 (713-621-3222) appeared and stated that he was present on behalf of BOMA, the Building Owners and Managers Association, and they were present endorsing any amendments to the no smoking ordinance; that it would increase health in the workplace of restaurants and clubs. Council Members Goldberg and Alvarado absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Schneidau stated that BOMA supported any amendments to the no smoking ordinance; that they had worked closely with Council Member Parker on no smoking in the workplace. Council Members Goldberg and Alvarado absent.

Ms. Michelle Cox, 11227 Stoney Meadow, Houston, Texas 77095 (713-346-2700) had reserved time to speak, but was not present when her name was called. Council Members Goldberg and Alvarado absent.

Mr. Felix Fraga, 5501 Brady, Houston, Texas 77011 (713-669-5218) appeared and stated that he came to do what he could to make Houston a smoke free city; that a simple ordinance with a few amendments could show Houston was serious in being a smoke free city; that everyone had the right to work in a hazard free place; and urged their vote in his favor. Council Members Goldberg and Alvarado absent.

Council Member Sekula-Gibbs stated that studies showed there were as many carcinogens inside from cigarettes as there were from smokestacks; that there were health disparities because there were health risks and this was a way to reduce those risks in the workplace. Council Members Goldberg, Holm and Alvarado absent.

Council Member Quan stated that the Ordinance the Mayor proposed did not include restaurants and bars; and upon questions, Mr. Fraga stated that was a public worksite and many there had no insurance and they deserved the same as any other worksite, to be health risk free. Council Members Goldberg, Holm and Alvarado absent.

Council Member Berry stated that he was meeting with the restaurant association and he did not think anyone would dispute how horrible smoking was, but if it would not hurt business for restaurants why would they be against it; and Mr. Fraga stated that he felt they did not want to face one more risk, but if it was put to a vote of the citizens he thought they would vote for it and did not think it would hurt business. Council Members Goldberg and Ellis absent.

Council Member Khan stated that in the last committee meeting they heard from people against smoking and those with a different opinion should come forward; and upon questions, Mr. Fraga stated that smoking was a city problem and they did not need to wait for OSHA, they themselves could take the lead. Council Members Goldberg, Ellis and Berry absent.

Council Member Edwards stated that she was looking for a solution free Houston and hoped all present would join together in helping against a pollution free Houston; that she would pass the names around and hoped they would be as passionate helping communities against their fights. Council Members Goldberg and Berry absent.

Upon questions by Council Member Garcia, Mr. Fraga stated that when he was on Council, Council Member Tinsley was for "smoke free" but he did not remember it coming to a vote. Council Member Quan absent.

Upon questions by Council Member Green, Mr. Fraga stated that many did not have a choice of jobs and worked where they could, but should be able to work protected by Council; that if they would not pass a total smoke free ordinance they should still pass what they could. Council Members Quan and Berry absent.

Mayor White stated that one thing about Mr. Fraga which was a continuing legacy was he could agree or disagree with someone without being disagreeable; that citizens were elected to represent the public and they were looking to the future and they held their positions due to their political philosophy and not for ulterior motives; and more action would be taken at the Council table on smoking in restaurants though he would not know the outcome. Council Members Quan and Berry absent.

Ms. Sarah Cizek, 6034 Clarewood, Houston, Texas 77081 (713-665-6449) appeared and stated that she was thanking Council for helping with her drainage problem and now was present with another problem involving amplifiers; that she lived across from an unrestricted area and those across from her had an amplifier and a metal building without it being insulated enough; that it went through her windows and all she heard was the bass; that the Code referred to amplifiers and she finally had enough and had to come for help. Council Members Quan, Sekula-Gibbs and Berry absent.

Council Member Khan thanked Ms. Cizek for coming before them and sharing her concerns; that he understood HPD had been called many times issuing a ticket once; that he believed Capt. Ready had spoken with Ms. Cizek and would follow-up and he would talk with those creating the noise pollution himself and see if it could be solved. Council Members Quan and Sekula-Gibbs absent.

Pastor James Nash, 8309 Brandon, Houston, Texas 77051 (713-725-1664) appeared and stated that he discovered being a leader sometimes was a difficult position and sometimes you had to make decisions not always profited with those you represented and he knew this was not easy; that Mayor White told him Sunnyside needing cleaning up and they did what was necessary and he felt proud; that many homes needed torn down, but their area was about history and they did not want it all torn down; that he had pictures of a drug houses and he wanted them to come together in unity with a passion redoing houses and not just building new ones running others out. Council Members Garcia and Green absent.

Mayor White stated that he was working in putting pieces in place and yesterday sat for hours listening to a Mickey Mouse process of tearing down houses; that they had torn down many but more procedures were needed and they were going to do it. Council Members Garcia and Green absent.

Council Member Edwards stated that standing in front of the house where Captain Burke lost his life she never felt so hopeless as an official; that some houses were on the list 20 years and prostitution was so outlandish that it looked like a parade when she saw them and she was about to do as Council Member Reyes had done and was ready almost to rent a backhoe; that those who held the community hostage, those owning blocks of property and could not be found, she bet if it was mowed down and made viable they would come find them; and Mayor

White stated that they could come up with a check list of dangerous buildings where citizens could be empowered, take pictures and go before a hearing examiner and just knock them out; that there were erroneous interpretations, unlawful interpretations of law given to city employees and they would do this properly. Council Members Holm, Garcia and Green absent.

Upon questions by Council Member Berry, Pastor Nash stated that he did not see much progress from the city in that area with a drug house, that he would say the most important thing would get around the red tape and those houses in bad shape should just be torn down; and asked for a moment of silent prayer for Capt. Burke. Council Members Khan, Holm, Quan and Green absent.

Ms. Betty Willis, 6155 Glenhurst, Houston, Texas 77033 (713-734-7082) appeared and stated that she was present regarding Mykawa Place; that she and a couple of others received a letter from Planning and Development regarding a project in the neighborhood but they were not sure what it was and she was trying to find out what was going on and what they needed to do and was requesting Council Member Edwards send someone to their meeting so they could find out more. Council Members Khan, Holm, Quan, Green and Berry absent.

Council Member Edwards stated that she was just speaking with a representative from the area and was not sure what it was either, but someone was coming to get information and they would find out what it was. Council Members Khan, Holm, Quan, Green and Berry absent.

Ms. Juanetta Johns, 8815 Candy, Houston, Texas 77029 (713-674-6238) had reserved time to speak, but was not present when her name was called. Council Members Khan, Holm, Quan, Green and Berry absent.

Mr. Clinton Johns, 8815 Candy, Houston, Texas 77029 (713-674-6238) had reserved time to speak, but was not present when his name was called. Council Members Khan, Holm, Quan, Green and Berry absent.

Ms. Racheal Munbon, 844 ½ Cortlandt, Houston, Texas 77007 (832-265-3290) appeared and stated that she was present as she worked in a bar and it was a wonderful job except the cigarette smoke was painful; that she was putting herself through school with bartending and she was seeing young people lighting up and they told her that if they could not smoke they would not smoke as much; that it's said people don't go to bars to be healthy, but healthy people did go to bars and with so much pollution being everywhere if something could be done somewhere it should be done. Council Members Khan, Holm, Quan, Green and Berry absent.

Council Member Sekula-Gibbs thanked Ms. Munbon for coming and sharing her experience; that Council was to help protect workers rights and diner's rights; that they regulated the quality of water and food and she thought the air was important also, the data showed secondhand smoke killed and it was incumbent they make a decision based on science. Council Members Khan, Holm, Quan, Green and Berry absent.

Mr. Ruben Holmes, 4206 Quitman, Houston, Texas 77026 (713-670-0350) had reserved time to speak, but was not present when his name was called. Council Members Khan, Holm, Quan, Green and Berry absent.

Ms. Gloria Rubac, 1430 Studewood, Houston, Texas 77008 (713-861-5965) appeared, presented information to Council and stated that she was present asking that a moratorium be passed on all Harris County executions and that the resolution presented was to free Frances Newton; that they wanted a moratorium until all lost evidence was accounted for and all had been re-tested by outside labs. Council Members Goldberg, Khan, Quan, Green and Berry absent.

Council Member Edwards thanked Ms. Rubc for her work and stated that Chief Hurtt had

called for a moratorium on the death penalty until all was cleared; and thanked Council Member Alvarado who brought much of it to light; that what bothered her about Frances Newton was when she was arrested and tested they said she had not fired a gun and it was based on a stain on her dress and upon questions, Ms. Rubac stated that now the dress was missing. Council Members Goldberg, Green and Berry absent.

Council Member Sekula-Gibbs moved to hear Dr. Winifred Hamilton after Ms. Lillian Jones, seconded by Council Member Khan. All voting aye. Nays none. Council Member Galloway absent due to death in the family. Council Members Goldberg, Holm and Green absent. MOTION 2005-0167 ADOPTED.

Ms. Lillian Jones, 201 E. Burrell, Houston, Texas 77022 (713-699-2507) appeared and stated that she could not be silent as she witnessed abuse of women in Houston; that she was sure it was not limited to Houston, but the power company, Reliant Energy, was disconnecting power without knocking and giving women with children a chance to pay; that they did not care about sick children or food going bad; that women were also abused in the workplace as if you were over 40 your job description was blurred and if you asked off to be with sick children you were often fired. Council Members Goldberg, Holm and Green absent.

Dr. Winifred Hamilton, 6560 Fannin #1910, Houston, Texas 77032 (713-798-1052) appeared and stated that she was director of the Environmental Health Section at Baylor College of Medicine and present to urge Council to enact a smoking ban in Houston; that some restaurant and bar owners said they welcomed a smoking ban as it would bring a more upscale and diverse crowd and their places would be cleaner; that the American Health Association would only meet in cities which banned smoking; that no child should ever be subjected to smoke and studies showed that children whose mothers were exposed to secondhand tobacco smoke while pregnant had significantly more abnormal chromosomes than those who were not and Houston had an opportunity to take a stand for children; and urged Council do the right thing and help Houston become smoke free. Council Members Goldberg, Holm and Green absent.

Council Member Sekula-Gibbs thanked Dr. Hamilton for coming and sharing information; and upon questions, Dr. Hamilton stated that it was time Houston take a stand and children were among the most vulnerable with their development; that early exposure showed chronic disease when older; and Council Member Sekula-Gibbs stated that they had a chance to make a difference and at no cost and she did not think they were over regulating. Council Members Goldberg, Holm and Green absent.

Ms. Stephanie Short, 2715 Cottonwood Walk, Spring, Texas 77388 (281-734-1738) appeared, presented information and stated that she was a senior at Klein Collins High School and with a group called TATU, Teens Against Tobacco Use, and she brought along over 500 letters today from students at different levels expressing concerns on secondhand smoke; that she saw Council was trying to protect against it and she would like to see restaurants, etc., go 100% smoke free; that too often she and her friends got sore throats and headaches from going to public place and she did not want lung cancer; that smoke was a health hazard to all and if restaurants went smoke free they would probably get more business; and she recognized Houston was stepping in the right direction. Council Members Goldberg, Holm, Garcia, Ellis and Green absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Short stated that she brought over 500 signatures; and Council Member Sekula-Gibbs stated that she could give those to Mr. Cantu. Council Members Goldberg, Edwards, Wiseman, Garcia, Ellis and Green absent.

Ms. Justyna Charytoniuk, 3411 Stone Ivory Court, Spring, Texas 77388 (832-575-0423) appeared and stated that she was a student at Klein Collins High School and had 500 more letters from schools wishing to make Houston totally smoke free; that she was in opposition to

the smoking ordinance because she believed they deserved more; that smoke went through air as food coloring went through water and if this was passed Houstonians would be tricked into thinking they no longer had to worry, but the ordinance was not enough; that she was currently vice president of Teens Against Tobacco Use at her high school and was involved in tobacco prevention in her neighborhood; that she could teach children dangers of secondhand smoke but she could not protect them from it as Council could, they had the power to save lives and which was higher on their Agenda preserving a customer base or preserving life; that they could decide to make all Houston restaurants, work places and public places 100% smoke free. Council Members Goldberg, Edwards, Wiseman, Garcia, Ellis and Green absent.

Upon questions by Council Member Quan, Ms. Charytoniuk stated that through her participation she had developed a passion for tobacco awareness, she heard statistics and seen people who suffered from diseases and she believed she had to set an example for young people to get involved; that they had about 30 members in her group and they were very involved throughout the school and community. Council Members Goldberg, Edwards, Wiseman, Garcia, Ellis and Green absent.

Ms. Christy Rehmann, 526 Long Shadow, Spring, Texas 77388 (281-355-0338) appeared and stated that she also went to Klein Collins High School and had 500 more letters written by children; that having a smoking section in a restaurant was like having a peeing section in a pool; that she did not want to swim in contaminated water any more than inhale contaminated air; that she was president of an anti-tobacco organization named T.A.T.U. (Teens Against Tobacco Use) and they were all dedicated to making Houston and surrounding areas smoke free; that truer words had never been spoken when Eloise Adams Jones said "Any person has a right to decide if he or she wants to smoke, but unfortunately, when one smokes in public, one has decided for others as well, no matter how it affects them." And it was her decision to be smoke free though she could not always control her surroundings; that the U. S. government always sought to protect its people and in the wake of September 11th many new government policies were enacted, but every year 53,000 people die from secondhand smoke and that was the number of people as September 11th happening seventeen times; that both were equally disastrous, yet the government did not seem to be doing anything to protect against the dangers of secondhand smoke; that her group did its job to stop people from ever picking up a cigarette and now it was Council's job to stop smokers from endangering the lives of smoke free Houstonians. Council Members Goldberg, Wiseman, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Rehmann Stated that elementary students were shocked when they heard what smoking did and they urged teachers to let them write about it; that they were from various ISD's; that TATU was in their school but it was also nationwide; and Council Member Khan stated that they should not stop here and would request they stay involved. Council Members Goldberg, Wiseman, Garcia, Ellis, Green and Berry absent.

Council Member Edwards stated that she was so excited students were into this now and they needed to talk about her slogan as it was so innovative; and encouraged her to meet with the youth City Council and let them know about TATU. Council Members Goldberg, Wiseman, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that earlier Ms. Jaunetta Johns was not present and was now and moved to hear her at this time, seconded by Council Member Khan. Mayor White stated that if there were no objections it was so ordered. Council Members Goldberg, Wiseman, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Juanetta Johns, 8815 Candy, Houston, Texas 77029 (713-674-6238) appeared and stated that she lived in the Pleasantville community and they were present to let the Mayor know what was going on with the train; that the intersections were being blocked 30 minutes, 40

minutes or even an hour and the fiscal and mental aspect of the nuisance had escalated to a real distraction and she was asking on all their behalf that it be investigated and they have a meeting with Union Pacific; that trains idled behind their homes even until 1:20 a.m. and two engines idled on Christmas Eve until 7:00 a.m. Monday and Christmas was Saturday and again a week later it happened when it stopped New Years Eve and did not leave until 8:00 a.m. the following Monday. Council Members Goldberg, Wiseman, Garcia, Ellis, Green and Berry absent.

Council Member Sekula-Gibbs stated that topic came up last night at a meeting and it brought up an ongoing problem and she would like her to give them specifics such as train numbers and dates and times so they could go to Union Pacific; and upon questions, Ms. Johns stated that the trains idled 48 hours and there was no one in the train; that it happened all the time, but this time it was behind their homes; and Council Member Sekula-Gibbs stated that it was not only noise but air pollution; that an effort was being made to try and move freight traffic to corridors which would be good for Houston at large and the Greater Houston Partnership was working on it; and requested Ms. Johns provide her office with the information requested. Council Members Goldberg, Wiseman, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Johns stated that the train idled for 48 hours with no one on it; that HPD had come out three times; and Council Member Edwards stated that was horrid, especially when they knew what happened in Los Angeles and with what they were doing on homeland security; and asked if they could have a hearing; and Mayor White stated yes, and he would ask Mr. Fontaine and Ms. Stein to work with the Mayor Pro Tem to do that; that previously Council Member Berry had worked diligently and the railroad said if there was a hearing they would not attend, but if they did not want to attend then they just would not attend; that he asked Mr. Fontaine to prepare a letter to go tomorrow from him (Mayor White) to go to the chairman of the service transportation board with the dates and he was requesting Mr. Fontaine to document this or get something from Judge Mejia as when they gave them the citations they were claiming federal law protected them from paying fines for parking on the streets and they were going to use cameras and try and put it in real time and get some response. Council Members Goldberg, Wiseman, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that it seemed like these time issues seemed to be more so in certain areas of the city and it was so difficult to regulate and enforce; that a hearing was held on environmental issues and she wished they could hold the same type of hearing with the railroad; and urged the community to stay on it, call 311 and make sure it was documented as they would use it; that she also wanted to know how many citations were given and how many times HPD went out on enforcement since this was implemented. Council Members Goldberg, Wiseman, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Rainey Russell, 2414 Sweet Gum Hill, Spring, Texas 77388 (281-353-2341) appeared and stated that she was asked to switch with Dr. Luis Velez as he needed to leave. Council Members Goldberg, Wiseman, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs moved to hear Dr. Luis Velez at this time, seconded by Council Member Khan. Mayor White stated that if there were no objections it was so ordered. Council Members Goldberg, Wiseman, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Dr. Luis Velez, 1033 Oboe, Houston, Texas 77025 (832-778-0973) appeared, presented information and stated that there were over 4,000 chemicals in tobacco smoke and six were carcinogens; that exposure to tobacco smoke increased by 20% the risk of lung cancer in nonsmokers along with risk of breast cancer and other cancers as well; that the proposed

ordinance did not go far enough in protection; that he and his wife only went out dancing in other cities because it was too smoky in Houston; that one lady told him she was a chain smoker but if there were no smoking it would help her and she realized she had no right to poison others with her smoke; that eight states were smoke free, 80 cities smoke free and a partial ban would selectively punish; that he brought three scientific papers three different studies showing the economic impact of smoking. Council Members Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that he should give his information to Mr. Cantu; that other cities said they wanted Houston to raise the bar and then they would go about it in their small cities, but that Houston was the leader and they were waiting on them. Council Members Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Matt Milner, 2701 Revere, Houston, Texas 77098 (713-213-2134) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Diana Wheeler, 16114 Darwood Court, Houston, Texas 77083 (281-491-5181) appeared and stated that she was a scientist by profession and banning smoking would benefit everyone; that she could not go into many places because of secondhand smoke and though many told their children to never start smoking when they went out they were surrounded by secondhand smoke and bombarded with advertisements showing it was cool or hip; that she would go further than banning smoking and propose reaching out to young children in their schools and let them know all the dangers; that all people needed to be educated and the city should show leadership and maybe one day they would have a smoke free society; that in working with donated bodies one thing that never left her memory was a corpse which died of lung cancer, the lung looked like a pan of mashed dressing. Council Members Goldberg, Edwards, Wiseman, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm moved to switch two speakers Mr. Steven Barth with Mr. Bob Casale, seconded by Council Member Khan. Mayor White stated that if there were no objections it was so ordered. Council Members Goldberg, Edwards, Wiseman, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Stephen Barth, 3300 Taft, Houston, Texas 77006 (713-201-8034) appeared, presented information to Council Members and stated that he was an attorney and founder of hospitalitylawyer.com and professor of hospitality, law and leadership at the Hilton College of Hotel and Restaurant Management at the University of Houston; that he routinely testified for the hotel and restaurant and club industries and was present with his opinion on a smoking ban in Houston, but was not present on behalf of the university; that the argument smoking ban would cause economic harm was unfounded and many working in that industry were not insured and they should not have to choose between their health and their job; that if a beer was sold for \$4.00 then \$3.00 went to their expense and profit and paid most employees \$2.00 an hour. Council Members Goldberg, Edwards, Wiseman, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Mr. Barth stated that if business was good they did not like to change, but in New York City the restaurant association supported no smoking and still did today. Council Members Goldberg, Edwards, Wiseman, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Barth stated that he did believe the National Restaurant Association was against it; that the draft ordinance he presented did not allow for smoking rooms in restaurants; that in drawing up the ordinance other cities such as

New York City, Dallas, San Antonio were looked at; Council Member Quan stated that the City Attorney thought the present ordinance and draft ordinance presented to committee was somewhat confusing and would be redrafted; and upon questions, Ms. Wigington stated that she just received a draft from the attorney working on it, but he indicated areas still needed to be worked on; and Mayor White stated that they had a hearing and assuming it was redrafted in time it would be posted Friday. Council Members Goldberg, Wiseman, Khan, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Deshunta Murry, 3302 Walhalla Drive, Houston, Texas (281-587-8382) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Wiseman, Khan, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Ruth Tijerina, 7206 Lumberjack, Houston, Texas 77040 (713-291-2202) appeared, presented information, displayed a healthy and a diseased lung and stated that secondhand smoke was associated with lung disease, etc., and people were at risk in their workplace; that secondhand smoke levels in bars were 300% to 600% higher than in other smoke filled workplaces and in an eight hour shift a bartender or waitress had inhaled as much as if they smoked a pack of cigarettes; that cadmium, benzene, lead and arsenic were just a few of the over 4,000 hazardous chemical components in secondhand smoke; that children who breathed secondhand smoke were more subject to pneumonia, bronchitis and other lung diseases and they had no choice. Mayor White, Council Members Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Garcia, Ms. Tijerina stated that she believed the whole city would be helped to be smoke free and Council was speaking for them and the people were coming to them saying they wanted it smoke free; that cities which had become smoke free were not hurt and Houston should be a leader for surrounding cities. Mayor White, Council Members Goldberg, Edwards, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that everyone was trying to approach this in a fair and balanced manner and they should also let the bars and restaurants know how they felt. Mayor White, Council Members Goldberg, Edwards, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that those speakers coming to Council were saying to do it all at one time; and upon questions, Ms. Tijerina stated that if they tried it in one area it looked iffy; that one restaurant was taking a poll and she believed they just did not realize how good it could be, those in New York found it was good and business went up so she felt they should just do it all at once. Council Members Goldberg, Edwards, Wiseman, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence moved to hear Mr. Peter Garcia out of order, seconded by Council Member Alvarado. Mayor White stated that if there were no objections it was so ordered. Council Members Goldberg, Edwards, Wiseman, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Peter Garcia, 3506 Linkwood, Houston, Texas 77025 (713-303-6050) appeared and stated that he was present on behalf of the Greater Houston Restaurant Association and he was an owner; that in their industry things had been difficult and if they changed the rules some of them would lose their businesses and the little ones would be hurt the most. Council Members Goldberg, Edwards, Wiseman, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that his restaurant El Maison was wonderful but they

heard repeatedly restaurants could go out of business in a month if things went wrong, but data was coming from around the world and they were going smoke free and not going out of business so it seemed his argument was empty; that there was also evidence many wanted to go to bars who stayed away because of the smoke; and upon questions, Mr. Garcia stated that issues and regulations in other cities and states made people deal with it the best they could, however, there was technology which could be implemented. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Garcia stated that few people went to El Maison to smoke and he thought it would be wise to have free standing bars at this point; that he allowed smoking at his bar and there was no wall; that he felt no smoking would not hurt his restaurant but would hurt his bar. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Lorraine Wulfe, 5469 Cedar Creek, Houston, Texas 77056 (713-629-8489) appeared, presented information and stated that she thanked those who were wanting to make Houston smoke free and as a previous speaker said to have certain areas in restaurants smoke free would be like peeing in a swimming pool; that all work places regardless should equally be protected, all were entitled to protection from serious health threats and as the Mayor said about outdoor pollution smokers did not own the air and did not have the right to endanger others lives; that Council had it in their power to save lives and she urged that they leave a legacy and do it now. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he did not know if smoking was a right as much as a choice, but they did hear concerns from businesses; and upon questions, Ms. Wulfe stated that this was a health issue, what if the restaurant said they could not afford to throw away the contaminated food; that some restaurants banned smoking because they were so small and ventilation systems may remove the odor but not the dangerous particles. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Wulfe stated that in years to come maybe they would be as brave as San Francisco and ban it everywhere outdoors also, but at least it was not indoors where you would breath it over and over; that the New York Times came out with an article stating even people who opposed it were okay with it now because they did not smell like it, their dry cleaning was less, etc., and she appreciated having a Mayor true to his word, but she did not think his constituents would hold it against him and felt he would become a champion after now having more data and learning how really dangerous secondhand smoke was. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Elaine Jefferson, 3742 Maroneal, Houston, Texas 77025 (713-666-4388) appeared and stated that she would yield to Ms. Cheryl Craft. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan moved to substitute Ms. Cheryl Craft for Ms. Elaine Jefferson, seconded by Council Member Quan. Mayor White stated that if there were no objections it was so ordered. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Cheryl Craft, 9307 Buffalo Speedway, Houston, Texas 77025 (713-663-7878) appeared and stated that she was a registered nurse and worked in the bio tech and respiratory field and was aware of facts, but was present on a personal level and displayed a picture of her father; that he was a nonsmoker and non drinker and worked at bartending in a restaurant and

bowling alley and lived with her mother who smoked; that last year her Father died in a great deal of pain after being diagnosed with carcinoma; that he had been placed in an environment with no control subjected to passive smoking for many years; and urged Council to weigh this in their heart, make an aggressive decision and ban it 100% in restaurants and bars. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that her story again showed secondhand smoke did kill; that she had requested Mayor White to help pass a ban against secondhand smoke in the workplace and she continued asking; that it was a dear and passionate issue with her and she would continue to push for it. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Craft for coming and stated that his family had suffered a loss to someone in the hospitality business, but he smoked also, that he brought it up because he thought it was a good idea and he thanked her for her personal testimony. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Dr. Susan Escudier, 5751 Breaheather, Houston, Texas 77096 (713-726-1161) appeared and stated that she was an associate professor of medicine at the Baylor College of Medicine, former president of the Houston Metro Unit of the American Cancer Society and current member of the board of directors; that tobacco smoke was the leading cause of preventable death in the world and secondhand smoke was the third leading cause of preventable death in the United States; that smoking damaged nearly every organ in the human body and linked to 10 different cancers accounting for some 30% of all cancer deaths and for every 8 smokers dying from tobacco use one nonsmoker also died; that California and New York both showed improved overall business after the no smoking was in place and before New York City implemented the no smoking ordinance an air quality survey was conducted by the New York State Department of Health and found air pollution levels in bars which had smoking was 50 times greater than pollution levels in the Holland Tunnel entrance at rush hour and 6 months after the air act was enforced they found a 6 fold reduction in air pollution levels at the same establishments; that she applauded Council's efforts but urged caution in passing an ordinance not going far enough. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she would appreciate having her written comments; and upon questions, Dr. Escudier stated that for every 8 smokers dying from tobacco use one nonsmoker died and 12% of lung cancer was in nonsmokers and the increased rate of cancer in hospitality workers was 50%; and Council Member Sekula-Gibbs stated that this was a chance for Houston to implement prevention and make a dent in mortality and with no cost. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Rainey Russell, 2414 Sweet Gum Hill, Spring, Texas 77388 (281-353-2341) appeared, presented information and stated that she was from Klein Collins High School and also brought 500 letters from students and was present to speak out against the very lax ordinance being presented as it was not drastic enough to make a difference; that she was passionate on the topic as she had lost many near and dear to her because of related illnesses and did not want children experiencing the same hardships she had; that sometimes to get to the nonsmoking you had to go through the smoking and many including her got very sick just walking through; that many could not attend restaurants because of asthma or other serious respiratory problems, but many restaurants near her in the Woodlands were smoke free with a frequent hour to two hour wait for a table which demonstrated that restaurants could be successful without smoking; that she believed Council was heading in the right direction to make Houston better but it was necessary to create an ordinance that was stricter. Council

Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Bob Casale, 4848 Guiton, Houston, Texas 77027 (979-285-0293) appeared and stated that he was a customer and victim of a smoking restaurant; that for over 30 years he had been sick and it was because he went into restaurants and bars with smoke; that because of the last episode he was sick 6 weeks and could not leave the house for 2 weeks and had 3 doctor visits and that cost the U. S. Government about \$800.00 so because of the cost factor and human life it needed to be looked into; that many spoke of liquor hangovers, but a smoke hangover was much worse; and urged a strong no smoking ordinance be passed. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Elouise Jones, 115 Arnold, Houston, Texas 77007 (713-528-2264) appeared and stated that she had a restaurant for 15 years and in that time she experienced many things regarding smoking; that she first banned pipes and cigars and then went to a no smoking and smoking section, but it was frustrating as it did not work well; that today she had a restaurant she opened as smoke free and they would be celebrating their 10th anniversary and were still smoke free and she was personally and professionally thrilled that Houston was moving toward smoke free restaurants and bars and urged that Council make them 100% smoke free. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Jones stated that she felt upscale restaurants served the same people as smaller restaurants and felt there were more nonsmokers out there and that restaurants would be much better because of it; that she had never had a problem being smoke free; and Council Member Quan thanked Ms. Jones for coming and for her article in the past Sunday Houston Chronicle. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. (NO QUORUM PRESENT)

Mayor White stated that he felt more and more people would be wanting smoke free and there was going to be more of a demand for it and appreciated what she shared and her leadership. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. (NO QUORUM PRESENT)

Dr. Joel Dunnington, 3023 Four Winds Drive, Houston, Texas 77459 (713-794-1299) appeared and stated that he was an associate professor of radiology at M. D. Anderson Cancer Center and he had been doing tobacco research for the last three years, a third of his patients died from cancers and cigarettes were the most dangerous consumer product in the world killing 25,000 Texans, 440,000 Americans, 5,000,000 people in the world yearly; that every scientist group which studied tobacco smoke pollution had concluded it killed people and any scientist who did not believe it probably worked for the tobacco industry; that every economic survey showed no economic change or improvement after places went smoke free; that numerous cities, 7 states, 4 Canadian provinces and 7 countries were now smoke free; that many smokers would like to be smoke free and such laws gave them incentive; that tougher regulations were needed and it was time Houston become a first class city and join others in protecting citizens with an absolute ban on smoking in the workplace. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Dr. Dunnington stated that if you went to www.tobacco.org and typed in Texas Restaurant Association or National Restaurant Association you would find documents linking the tobacco industry with those associations, they were bought and paid for using propoganda for 30 years, but their taxes had gone up in every economic study. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he had not heard from the other side, no one has called him or set an appointment with him as to why they should not pass an ordinance banning smoking and he wanted them to come out because to be a good public servant it was necessary to hear all sides; and Dr. Dunnington stated that Council passed all kinds of safety ordinances such as fire exit doors, smoke alarms, food temperatures, no slime in the ice machine and all were public health issues and secondhand smoke was also a health issue. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Daryl Freedman, 10060 Buffalo Speedway, Houston, Texas 77054 (713-610-5041) had reserved time to speak, but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Shelly Chetty appeared and stated that Ms. Freedman had to leave and she was present only to deliver papers on her behalf. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Shletha Franklin, 12418 White Oaks Drive, Houston, Texas 77014 (832-229-4403) had reserved time to speak, but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Saul Gates, 3114 Rogers, Houston, Texas 77022 (713-868-5330) had reserved time to speak, but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John Nicks, 21247 Juniper Lane, Houston, Texas 77375 (832-515-0796) appeared and stated that he was present as he had asthma and was for the no smoking ordinance; that sometimes he did have attacks at bus stops and he would like a strong ordinance and strong enforcement. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mariana Lemesoff, 411 Westheimer, Houston, Texas 77006 (713-869-3999) had reserved time to speak, but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Dr. Debra Patt, 1515 Holcomb-10, Houston, Texas 77030 (713-792-2740) had reserved time to speak, but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John Ryan, 5439 Firefly, Houston, Texas 77017 (713-641-3520) had reserved time to speak, but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Leanna Richard, 11406 Sandrock Drive, Houston, Texas 77048 (832-274-9722) appeared and stated that she was present regarding a problem with water backing into her home each time it rained; that it started in 2001 and she called the city on several occasions, someone came out and checked the water coming up in the back and said they had to check when the water went down then they came and said their lines were clear, but she had the

problem 4 years and last year received a letter from Public Works saying they were sending someone with a work order to fix the drain system, but she did not know what had been done and her home flooded again February 13th so she was checking to see what could be done. Mayor White, Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she knew Public Works was working with her and they were looking to do additional work; that Mr. Gary Norman with Public Works was present and would speak with her at this time. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

The City Secretary stated that previously Mr. Ruben Holmes was not present when his name was called but was now present and he would be called to speak at this time. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. Ruben Holmes, 4206 Quitman, Houston, Texas 77026 (713-670-0350) appeared and stated that he had medical conditions which caused him to be late; that several talked about the trains which sat behind their homes and he had the same problem, but today was present talking about the light rail train which made no noise and many had been injured by it; that earlier in the year he lost his son who died at Hermann Hospital and his problem was he himself had a disease of the lungs and could not walk too far so he had come to check on his son and he wanted the Mayor and Council to intervene with METRO. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that Mr. Holmes time had expired and someone with Citizens Assistance would speak with him at this time and follow-up with METRO; and Mr. Holmes stated that he would appreciate it as they were not doing right by the train hitting him and tearing up his scooter. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak, but was not present when his name was called. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-222-0749) had reserved time to speak, but was not present when her name was called. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Jewel Nelms, 5300 Desoto, Houston, Texas 77091 (713-373-7019) had reserved time to speak, but was not present when her name was called. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Bruce Williams, 834 Grandville Drive, Houston, 77091 (713-694-2189) had reserved time to speak, but was not present when his name was called. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Art Browning, 12446 Texas Army Trail, Cypress, Texas 77429 (281-728-6327) had reserved time to speak, but was not present when his name was called. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Quan, Green and Berry absent. Mayor

Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Dee Kruse, P. O. Box 194, Houston, Texas 77255 (713-320-0372) appeared and stated that her voice today was to be the voice of Francis Newton who was a Houstonian and would say that she had been locked up for 18 years for a crime she did not commit; that tremendous disarray was in the crime lab and her hands were tested the very day of the crime and she was not arrested until 13 days later; that there had to be a second gun and whatever happened in the lab should be reinvestigated; that the crime lost viable information also on Nathan Williams and others and there had to be a type of investigation into stopping death of a person when there was so much evidence to show she was innocent. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak, but was not present when his name was called. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Anthony Brown, 2410 Peach Lane, Pasadena, Texas 77502 (281-397-3969) appeared and stated that the SafeClear Program was not working; that officers were begging for wreckers on the freeways as most wrecker drivers could not run the freeway and it just was not right. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Randy Hicks, 7702 Rhobell, Houston, Texas 77016 (832-367-0368) appeared and stated that he had a problem with the Houston Fire Department as he was placed on indefinite suspension over something he really had nothing to do with; that it had been since August and he thought they were waiting on his birthday when he would turn 36 and you had to be sworn in by 36. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Hicks stated that he was suspended August 23, 2004, two weeks before his graduation; that there was an allegation someone was changing his grades and from his understanding his course officer was to file charges with the HCC police against the chief, Chief Summers, of the school because he would not release the grades to him; that no one from HCC recommended he be terminated it came from the Administration part of the Fire Department and Captain Jordan recommended he speak with a Council Member; and another classmate was suspended and he just went through arbitration; that he went before Civil Service and they upheld suspension because he had no representation; and Council Member Quan stated that he would look into the records; that he was entitled to know and he would follow-up. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak, but was not present when his name was called. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Suzanne Poole, P. O. Box 1035, Missouri City, Texas 77489 (281-438-5427) appeared and stated that she was present again regarding SafeClear; that Mayor White stated priority was removal of accidents and stalled vehicles and yet problems were still in the program and waiting times were increasing with officers saying they needed a wrecker from any segment holder and then finally saying anything with a hook; that SafeClear wreckers were speeding to

accidents as there was more money there. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Poole stated that all trucks had scanners and they could hear about traffic all over town; and Council Member Khan stated that he was sure the monitoring person at HPD was keeping records on the contracts and he for one would be wanting to see the statistics as far as response time, etc., and would request to the Mayor that if they were not monitoring they should be; and Ms. Poole stated that they would like to see the SafeClear wreckers stay on the freeways and if Council wanted to monitor them they would provide them a scanner. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he was glad Mayor White was able to work with Senator Whitmire on modifications to the program; and upon questions, Mayor White stated that they would be getting reports on how the program was working; that their goal was to make response time as fast as possible, what was happening now was response time was about 4 minutes from notification to being clear though there were variations around it, people were not walking off now to get gas because they knew someone would be there and the issue of storage was separate and apart from SafeClear; that their goal was to reduce those vehicles stored; and Council Member Quan stated that 4 minutes to clear was even better than 6 minutes and if Ms. Poole had information of the contrary; and Ms. Poole stated when it was good it was very good but if they did not come they just were not coming; and Mayor White stated that he understood she wanted the SafeClear wreckers to be kept on the freeways, but he did not want to tell people they could not go elsewhere and officers would be making commonsense judgments; and Council Member Quan stated that they were making progress and if they could refine it they would. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Joe Marquez, P. O. Box 343952, Houston, Texas 77234 (713-910-11419) had reserved time to speak, but was not present when his name was called. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4273 (713-203-7738) appeared and stated that he was the official U. S. President and continued expressing his personal opinion until his time expired. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Joseph Walbert, no address (no phone) had reserved time to speak, but was not present when his name was called. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

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

At 6:16 p.m. City Council recessed until 9:00 a.m., Wednesday, February 23, 2005. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 23, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, February 23, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Mark Goldberg, Ada Edwards, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Deputy Agenda Director present. Council Member Carol Mims Galloway absent due to death in family. Council Member Addie Wiseman absent due to being ill.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:09 a.m. Mayor White reconvened the meeting of the City Council. Council Members Alvarado, Green and Berry absent.

Council Member Edwards moved to suspend the rules to consider Item No. 48 out of order, seconded by Council Member Ellis. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Alvarado, Green and Berry absent. Mayor White stated that if there was no objection it was so ordered.

48. ORDINANCE approving and authorizing contract between the City of Houston and **M. ARTHUR GENSLER, JR. & ASSOCIATES** for Holcombe Square Design Project in the Texas Medical Center - \$120,000.00 - Grant Fund - **DISTRICTS C - GOLDBERG and D – EDWARDS – (This was Item 55 on Agenda of February 16, 2005, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented.

Council Member Edwards moved to postpone Item No. 48 for one week and stated that last week she asked to meet with people to explain the scope of the work they were doing in the City right-of-way with the Texas Medical Center and no one had yet provided her with that information, seconded by Council Member Ellis. Mayor White stated that the administration did not oppose the postponement and the item was postponed by unanimous consent. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. Mayor White stated that if there was no objection it was so ordered.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 37

MISCELLANEOUS - NUMBERS 1 and 2

1. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **GARDEN OAKS CIVIC CLUB, INC** for law enforcement services of one (1) deputy from Harris County Constable Precinct 1 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. MOTION 2005-0168 ADOPTED.
2. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **WOODLAND TRAILS NORTH COMMUNITY IMPROVEMENT ASSOCIATION** for law enforcement services of two (2) deputies from Harris County – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members

Green and Berry absent. MOTION 2005-0169 ADOPTED.

PROPERTY - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering on request from Attorneys representing **HUFFMAN INDEPENDENT SCHOOL DISTRICT (Huffman)** for consent by the City Council to a sale of Property to the City of Houston held by Huffman Independent School District as a result of a Tax Foreclosure identified as Tract 6E, Block One, of the G. A. Trott's Subdivision; on offer of \$3,737.00; for the **EAST LAKE HOUSTON SANITARY SEWER EASEMENTS PROJECT**, CIP R-0801-04-2 - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. MOTION 2005-0170 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 through 10-1

6. **THE HON COMPANY** - \$19,251.59 and **ALLSTEEL** - \$4,826.78 for Chairs 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 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. MOTION 2005-0171 ADOPTED.
8. RECOMMENDATION from Finance & Administration Department for approval of spending authority to purchase Automotive Diagnostic Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments, awarded to **SNAP-ON INDUSTRIAL** - \$163,900.91 - General, Enterprise and Other Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. MOTION 2005-0172 ADOPTED.
- 10-1. **IMAGISTICS INTERNATIONAL, INC** for Rental of Photocopiers from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Houston Airport System - \$30,201.70 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. MOTION 2005-0173 ADOPTED.

ORDINANCES - NUMBERS 11 through 36

11. ORDINANCE consenting to the addition of 100.668 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0138 ADOPTED.
12. ORDINANCE consenting to the creation of **EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 5** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0139 ADOPTED.

13. ORDINANCE consenting to the creation of **EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 6** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0140 ADOPTED.
14. ORDINANCE consenting to the creation of **EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 7** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0141 ADOPTED.
15. ORDINANCE consenting to the addition of 162.22 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 146**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0142 ADOPTED.
16. ORDINANCE consenting to the addition of 4.8106 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0143 ADOPTED.
17. ORDINANCE consenting to the addition of 11.3560 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 150**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0144 ADOPTED.
18. ORDINANCE consenting to the addition of 460.0768 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0145 ADOPTED.
19. ORDINANCE consenting to the addition of 4.7351 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0146 ADOPTED.
21. ORDINANCE approving and authorizing a Utility Functions and Services Allocation Agreement between the City of Houston and **RH OF TEXAS LIMITED PARTNERSHIP** on behalf of proposed **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 411** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0147 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City of Houston and **COALITION FOR THE HOMELESS OF HOUSTON/HARRIS COUNTY**, providing up to \$100,000.00 in Community Development Block Grant Funds for the Administration and Operation of an Emergency Cold and Wet Program to provide Short-Term Emergency Housing Assistance and access to Social Services for Homeless Individuals and Families – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Green and Berry absent.

24. ORDINANCE approving and authorizing fifth amendment to contract between the City of Houston, the **ALIEF INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$65,000.00 and continue the program for the development of neighborhood parks on public school grounds under the Spark Program - CDBG Funds - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0148 ADOPTED.
25. ORDINANCE approving and authorizing first amendment to contract between the City of Houston, the **GALENA PARK INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$75,000.00 and continue the program for the development of neighborhood parks on public school grounds under the Spark Program - CDBG Funds - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0149 ADOPTED.
26. ORDINANCE approving and authorizing twenty-third amendment to contract between the City of Houston, the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$540,000.00 and continue the program for the development of neighborhood parks on public school grounds under the Spark Program - CDBG Funds - **DISTRICTS B - GALLOWAY; D - EDWARDS; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0150 ADOPTED.
27. ORDINANCE approving and authorizing seventh amendment to contract between the City of Houston, the **SPRING BRANCH INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$120,000.00 and continue the program for the development of neighborhood parks on public school grounds under the Spark Program - CDBG Funds - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0151 ADOPTED.
29. ORDINANCE amending Ordinance Number 01-0768 to increase the maximum contract amount for Contract #53097 between the City of Houston and **H. S. HICKS, D.V.M.** - \$20,000.00 General Fund – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0152 ADOPTED.
30. ORDINANCE approving and authorizing an Agreement between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY (METRO)** for a Houston Freeway Mobility and Safety Improvement Program – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Green and Berry absent.
32. ORDINANCE amending Ordinance No. 03-1321 to increase a maximum contract amount; approving and authorizing first Amendment to Intergovernmental Agreement between City of Houston, **COUNTY OF LOS ANGELES** and **OFFICE DEPOT** for purchase of Office Supplies for Various Departments - \$878,553.81 - General, Enterprise, Grant and Other Funds – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Green and Berry absent.
33. ORDINANCE awarding construction contract to **REDDY ENGINEERS AND CONTRACTORS, LTD**, for Construction of Theater District Flood Doors and Flood Gates Phase 3 and 4, GFS B-0074-02-3; 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; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, and contingencies relating to construction of facilities financed by the Convention & Entertainment Enterprise Fund - \$1,168,765.00 - Enterprise Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0153 ADOPTED.

34. ORDINANCE appropriating \$5,176,000.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding contract to **HUFF & MITCHELL, INC** for Garden Villas Storm Sewer Improvements, GFS M-0226-01-3 (SM5036); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0154 ADOPTED.
35. ORDINANCE awarding construction contract to **C. E. BARKER, LTD.**, for Construction of Water, Sanitary Sewer and Storm Drainage Systems to serve Section Two of the Meadowcrest Subdivision, CIP S-0800-A9-03 and R-0800-A9-03 (DPC-054); approving and authorizing assignment of the construction contract to **MARKET DEVELOPERS, L.L.C. - DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0155 ADOPTED.
36. ORDINANCE appropriating \$5,400,000.00 out of Street & Bridge Consolidated Construction Fund to reimburse the General Fund for the Rehabilitation of Concrete Pavement, CIP N0655-03-3 – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0156 ADOPTED.
37. ORDINANCE appropriating \$4,000,000.00 out of Disaster Recovery Fund; transferring that sum to the Equipment Acquisition Consolidated Fund, appropriating \$20,402,152.00 out of Equipment Acquisition Consolidated Fund for Purchase of FY2005 Rolling Stock and Other Equipment – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Green and Berry absent.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 through 10-1

4. ORDINANCE appropriating \$446,112.45 out of Fire Consolidated Construction Fund for Continuous Power Sources for Building Services Department, CIP C-0162 – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0157 ADOPTED.
- 4a. **C. F. MCDONALD ELECTRIC, INC** for Continuous Power Sources for Building Services Department - \$424,869.00 and contingencies for a total amount not to exceed \$446,112.45 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members

Green and Berry absent. MOTION 2005-0174 ADOPTED.

5. **THE RELIZON COMPANY (Bid No. 4)** for Barcoded Traffic, Non-Traffic and Parking Citations for Municipal Courts-Administration and -Judicial Departments - \$546,430.00 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount not to exceed \$535,501.40 - General Fund – was presented, and tagged by Council Member Garcia. Council Members Green and Berry absent.
7. **AMEND MOTION #2002-557, 5/15/02, TO EXTEND** expiration date from May 15, 2005 to May 14, 2007, for Water Meter Replacement Parts Contract for Department of Public Works & Engineering, awarded to **HERSEY METERS, INC, NEPTUNE TECHNOLOGY GROUP, INC, BADGER METER, INC and NATIONAL WATERWORKS, INC (Formerly U.S. FILTER DISTRIBUTION GROUP)** – was presented, and tagged by Council Member Khan. Council Members Green and Berry absent.
9. **HI-WAY EQUIPMENT CO., INC** for Equipment, Road Machinery, Gradall Replacement Parts for Various Departments - \$1,643,000.00 - General, Enterprise, Fleet Management and Storm Water Utility Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. MOTION 2005-0175 ADOPTED.
10. **PHILPOTT MOTORS, LTD.** - \$5,180,901.00, **BABY JACK II AUTOMOTIVE LTD.** \$1,054,478.00, **BABY JACK CHRYSLER AUTOMOTIVE LTD.** - \$33,942.00 and **SAM PACK'S FIVE STAR FORD** - \$45,207.00 for Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments - \$6,314,528.00 - Enterprise, Grant and Other Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. MOTION 2005-0176 ADOPTED.

ORDINANCES - NUMBERS 11 through 37

20. ORDINANCE approving and authorizing a Utility Functions and Services Allocation Agreement between the City of Houston and **BEAZER HOMES OF TEXAS, L.P.** on behalf of proposed **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 381** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0158 ADOPTED.
22. ORDINANCE approving and authorizing a resolution of the City Council of the City of Houston, Texas authorizing the execution of an interlocal participation agreement for the **TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE** and other matters related to becoming a member of the Texas Local Government Purchasing Cooperative – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0159 ADOPTED.
28. ORDINANCE approving and authorizing Occupancy Agreement between **HOUSTONWORKS USA**, as occupant, and the City of Houston, Texas, as owner, for space in the Third Ward Multi-Service Center - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0160 ADOPTED.
31. ORDINANCE awarding contract to **HOUSTON INSTALLATION SERVICES** for Furniture

Relocation Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$712,013.54 - General and Enterprise Funds – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0161 ADOPTED.

MATTERS HELD - NUMBERS 38 through 49

38. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$2,369,578.00 and acceptance of work on contract with **PM CONSTRUCTION AND REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; GFS R-0266-P2-3 (4257-30) - 03.54% over the original contract amount – **(This was Item 25 on Agenda of February 16, 2005, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. MOTION 2005-0177 ADOPTED.
39. RECOMMENDATION from Finance & Administration Department to award to **TEXAS ACCESS CONTROLS** for Door Operators, Automatic Contract for Houston Airport System - \$145,000.00 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$140,650.00 - Enterprise Fund – **(This was Item 27 on agenda of February 16, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and ELLIS)** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. MOTION 2005-0178 ADOPTED.
40. RECOMMENDATION from Finance & Administration Department to **AMEND MOTION #2002-760, 6/19/02, TO EXTEND** expiration date from June 19, 2005 to June 18, 2007, for Helicopter Component Overhaul & Exchange Contract for Houston Police Department, awarded to **HELI-TECH, INC** – **(This was Item 30 on Agenda of February 16, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. MOTION 2005-0179 ADOPTED.
41. RECOMMENDATION from Finance & Administration Department to **AMEND MOTION #2002 761, 6/19/02, TO EXTEND** expiration date from June 19, 2005 to June 18, 2007, for Helicopter Replacement Parts Contract for Houston Police Department, awarded to **TRIUMPH GEAR SYSTEMS, INC (Formerly ROLLS-ROYCE GEAR SYSTEMS)** – **(This was Item 31 on Agenda of February 16, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. MOTION 2005-0180 ADOPTED.
42. ORDINANCE approving and authorizing sale to **SOUTHWESTERN BELL TELEPHONE, L.P.** of a 15-foot-wide Telecommunications Easement in a tract or parcel of land containing 2,384 square feet, more or less, being out of the City of Houston's South Central Police Station Site, located at 2202 Saint Emanuel Street, James S. Holman Survey, A-323, Harris County, Texas, Parcel SY3-012, for and in consideration of the payment by Southwestern Bell Telephone, L.P. of \$22,386.00 to the City of Houston; subject to the terms and conditions of the easement agreement **DISTRICT I - ALVARADO** – **(This was Item 39 on Agenda of February 16, 2005, TAGGED BY**

COUNCIL MEMBER GOLDBERG) – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0162 ADOPTED.

43. ORDINANCE approving and authorizing contract between the City of Houston and **ANDREWS KURTH, L.L.P.**, for Professional Legal Services - \$636,000.00 - Enterprise Fund – **(This was Item 45 on Agenda of February 16, 2005, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and WISEMAN)** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0163 ADOPTED.
44. ORDINANCE amending Ordinance No. 1996-0061 to increase the maximum contract amount for Professional Legal Services contract with **MLADENKA-FOWLER, ADAMS & ASSOCIATES (now MLADENKA-FOWLER & ASSOCIATES)** for Litigation relating to the City's Sexually Oriented Business Ordinance - \$10,000.00 - Property and Casualty Fund – **(This was Item 46 on Agenda of February 16, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN, KHAN, SEKULA-GIBBS, LAWRENCE, GREEN and GALLOWAY)** – was presented.

Council Member Goldberg moved to refer Item No. 44 to the Regulatory Affairs Committee for a hearing, and Mayor White asked if it was to retain somebody to pursue those businesses and Council Member Goldberg stated that was right, that he thought they could put a committee together within two weeks.

Mayor White stated that most of them wanted to go after the sexually oriented businesses and would delaying the contract delay in any way their ability to do that and Mr. Michel stated no, and Council Member Goldberg moved to postpone Item No. 44 for 2 weeks, seconded by Council Member Khan. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Green and Berry absent. Mayor White stated that if there was no objection it was so ordered.

45. ORDINANCE approving and authorizing contract between the City and **BAKER BOTTS L.L.P.** for Professional Legal Services - \$125,000.00 - Police Special Services Fund – **(This was Item 47 on Agenda of February 16, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented. Council Members Green and Berry absent.

Council Member Sekula-Gibbs stated that she wanted to know the reasoning behind acquiring outside counsel for professional legal services, and Mr. Michel stated that the reason they were doing it was because it could be very extensive and quick litigation that would take away from the resources of their current in house counsel, also they had issues that they traditionally did not deal with on an ongoing basis, Anti Trust and Federal Preemption. Council Members Goldberg, Green and Berry absent.

A vote was called on Item No. 45. Council Member Sekula-Gibbs voting no, balance voting aye. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Goldberg, Green and Berry absent. ORDINANCE 2005-0164 ADOPTED.

46. ORDINANCE approving and authorizing second amendment to contract between the City and **REPUBLIC PARKING SYSTEM, INC** for Parking Operations and Management Concession Agreement for Convention & Entertainment Facilities Department; amending Ordinance No. 2001-0222 to increase the maximum contract amount – **(This was Item 49 on Agenda of February 16, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in

family. Council Member Wiseman absent due to being ill. Council Members Goldberg, Green and Berry absent. ORDINANCE 2005-0165 ADOPTED.

47. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **LION APPAREL** for Fire Fighter Personal Protective Equipment for Houston Fire Department approved and authorized by Ordinance No. 2001-260 – **(This was Item 50 on Agenda of February 16, 2005, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Goldberg, Green and Berry absent. ORDINANCE 2005-0166 ADOPTED.
49. ORDINANCE approving and authorizing Communication Equipment License at George Bush Intercontinental Airport/Houston between the City of Houston and **NEXTEL OF TEXAS, INC d/b/a NEXTEL COMMUNICATIONS - DISTRICT B – GALLOWAY – (This was Item 61 on Agenda of February 16, 2005, POSTPONED BY CONSENT)** – was presented. Council Members Goldberg, Green and Berry absent.

Council Member Garcia stated that he was still trying to get some information back on the item and looking at some concerns he had and moved to postpone Item No. 49 for one week, seconded by Council Member Quan. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Goldberg and Berry absent. Mayor White stated that if there was no objection it was so ordered.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Alvarado stated that it was brought to her attention that they had some meters that were not working and understood that it was because of lack of software for meters around Market Square and in the meantime they were losing revenues, people were not putting coins in the meters and thought it was confusing for the people who were utilizing the meters, that she hoped before they went in and changed anything that they were following the Master Plan, that everything was consistent so they did not have a gap of meters that were not functioning. Council Members Goldberg, Holm and Berry absent.

Council Member Alvarado stated that she wanted to thank Solid Waste for helping them with an issue yesterday in a very timely manner. Council Members Goldberg, Holm and Berry absent.

Council Member Alvarado stated that she wanted to give special thanks to Public Works for helping them with a sewer problem on Woodside in the East End and Eastwood Community. Council Members Goldberg, Holm and Berry absent.

Council Member Alvarado stated that she wanted to give condolences to Council Member Galloway and her family in their loss and hoped they were doing well. Council Members Goldberg, Holm and Berry absent.

Mayor White asked Mr. Richard Lewis to look into the meter issue that Council Member Alvarado raised, that he wanted to announce to his colleagues that Mayor Pro Tem Alvarado had agreed to head an informal group to explore a parking authority or parking board so they would have both planning and better accountability for parking management, that it was something that was typical of cities both larger and smaller than Houston, so if people had thoughts on the issue to direct them to Mayor Pro Tem Alvarado. Council Members Goldberg, Holm and Berry absent.

Council Member Sekula-Gibbs stated that in the mornings newspaper, the Chronicle, there was an article discussing some research that was conducted by a physician at M. D. Anderson Hospital, Dr. Joel Dunnington, who came to public session, that the research was very important because it showed that the air quality in smoking restaurants and bars was just as toxic as some of the air that surrounded some of the worst polluting plants in the Houston neighborhoods and she thought it was

very important for Houstonians to look at that and pay attention to that data. Council Members Goldberg, Alvarado and Berry absent.

Item received during Council Meeting

23. ORDINANCE approving and authorizing contract between the City of Houston and **COALITION FOR THE HOMELESS OF HOUSTON/HARRIS COUNTY**, providing up to \$100,000.00 in Community Development Block Grant Funds for the Administration and Operation of an Emergency Cold and Wet Program to provide Short-Term Emergency Housing Assistance and access to Social Services for Homeless Individuals and Families – was presented. Council Members Goldberg, Khan and Berry absent.

Council Member Alvarado stated that she wanted to commend Council Member Quan for his leadership on the effort, that it was the Wet and Cold Project that they had been talking about that was going to focus on the homeless community under Pierce Elevated, that one of the most progressive things they were doing was in partnership with the social service agencies that dealt with the homeless communities and thought this was one of the best programs they had, that they had some outside organizations like Central Houston and Midtown Management District who were also contributing money to the project. Council Members Goldberg and Berry absent.

A vote was called on Item No. 23. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Members Goldberg and Berry absent. ORDINANCE 2005-0167 ADOPTED.

Council Member Khan stated that he wanted to express his condolences to Captain Burke's family. Council Member Goldberg absent.

Council Member Khan stated that he wanted to also express condolences to Council Member Galloway and her family. Council Member Goldberg absent.

Council Member Quan stated that he wanted to thank all Members of Council for their support on Item No. 23, that Mr. Anthony Love and Ms. Ann Thomas from the Coalition of the Homeless had stepped out of the Council Chamber, but obviously it was the work of so many others, not just himself, who had been working so hard on the issue, that he wanted to thank Mayor Pro Tem Alvarado for convening a group of stakeholders last week to talk about it and provide better information, that there was a great deal of concern by people who were residents in the area, the church and businesses and he thought it began to relay some of their fears and concerns. Council Member Goldberg absent.

Council Member Quan stated that Mr. Milton Wilson was doing a good job, that they may have seen a report on television last night regarding the Housing and Community Development Department and some of the snafu's they had run into, that Mr. Wilson and his department were working hard to try and address some of those concerns, that at their next Housing and Community Development meeting they planned to give a full update on the problems of their Economic Development Program and what they were doing to try to correct some of those concerns, that it was refreshing that Mr. Wilson was willing to come forward and talk about it openly to Council Members and committee as opposed to the previous director who seemingly did not tell all of the facts of what was going on, that at least they knew the problem and could address the problem as opposed to getting surprised later on. Council Members Goldberg and Alvarado absent.

Mayor White stated that some months ago he had requested that copies of the relevant files on the three hotel loans be made available to the Board of the Hotel Corporation, that for the first time they had experienced people in the hotel business who had agreed to assist pro bono in working out the loans and as of a couple of days ago they had not gotten the paperwork yet, that he thought it was not something that had occurred on Mr. Wilson's watch. Council Member Alvarado absent.

Council Member Ellis stated that he had just received a phone call telling him that the contractors on Item Numbers 20 and 33 were delinquent in their property taxes and he would request that somebody from the administration follow up on it. Council Member Alvarado absent.

Council Member Green stated that on Saturday, February 26, 2005, the Afro American Historical and Genealogical Society would host a seminar entitled "Tracing Your African Ancestry Using DNA Testing", that it would be held at Texas Southern University, that it would be from 11:00 a.m. to 3:00 p.m. and anyone having questions could call 713-313-1978 for information. Council Member Alvarado absent.

Council Member Green stated that the Houston Area Urban League, today, was hosting its annual Career Connections Job Recruitment Fair at the George R. Brown Convention Center, from 10:00 a.m. to 1:00 p.m. and 2:00 p.m. to 6:00 p.m., that it was designed to partner corporations with a diverse workforce, if anyone had questions they could call 713-393-8725 or 713-393-8754. Council Member Alvarado absent.

Item received during Council Meeting

30. ORDINANCE approving and authorizing an Agreement between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY (METRO)** for a Houston Freeway Mobility and Safety Improvement Program – was presented, and tagged by Council Member Sekula-Gibbs. Council Member Alvarado absent.

Council Member Edwards stated that she would like to inform the community that there would be a meeting facilitated by the Yates High School Alumni on Thursday evening at 6:00 p.m. at the Yates High School Cafeteria and any and all people who were concerned about the issue were invited to come out and be a part of that. Council Member Alvarado absent.

Council Member Lawrence stated that she wanted to remind the District A that their CIP meeting would be on Thursday at 7:00 p.m. at Spring Woods High School, 2045 Gessner. Council Member Alvarado absent.

Council Member Lawrence stated that they had two constituents very close to Mr. Jim Thompson's business whose wells went dry, they were elderly gentlemen, that their two home did not have sewage or water and her staff was able to come together with the help of the Housing and Community Development Department and Public Works, that she wanted to give them a great big thanks, that she went by Saturday and the two homes had water and sewer now and they had emergency HUD money that came in and they were able to provide them with water and sewer, that it was very rewarding and she visited with them and they were very excited. Council Member Alvarado absent.

Council Member Garcia stated that on Saturday there would be the third annual Teen Empowerment Conference at Jeff Davis High School and it was being hosted by the Northside Village Weed and Seed Program.

Council Member Garcia stated that Sam Houston High School would also be coordinating a community meeting to address their concerns and offer their support to moving that school forward so there would be forthcoming information on that.

Council Member Garcia stated that he wanted to wish Ms. Rose Valenzuela, Solid Waste and Mr. James Odum, Anti Gang Office, a happy birthday.

Council Member Holm stated that on Tuesday, March 1, 2005 would be a State of the District meeting, that while they would be talking about all of the projects coming forward they would have all of the department heads there and there would be some planning discussion as well as some evaluation of where they were, that they welcomed everyone to participate at 7:00 p.m. at Westside

High School.

Council Member Edwards stated that she wanted Transportation or someone to hold a briefing on Item No. 30, what the contract meant so that all of the Council Members would get the same information before they voted on the item, that she did not understand what it meant.

Mayor White asked Council Member Berry if it would be possible to get a hearing, if they could do some briefing that could be for the whole hearing before the item came back next week, he thought it would be useful, and Council Member Berry stated that if they could not get a meeting of the whole then they would make sure that the right team was going around and briefing everybody. Council Member Quan absent.

Item received during Council Meeting

32. ORDINANCE amending Ordinance No. 03-1321 to increase a maximum contract amount; approving and authorizing first Amendment to Intergovernmental Agreement between City of Houston, **COUNTY OF LOS ANGELES** and **OFFICE DEPOT** for purchase of Office Supplies for Various Departments - \$878,553.81 - General, Enterprise, Grant and Other Funds – was presented, and tagged by Council Member Khan. Council Member Quan absent.
37. ORDINANCE appropriating \$4,000,000.00 out of Disaster Recovery Fund; transferring that sum to the Equipment Acquisition Consolidated Fund, appropriating \$20,402,152.00 out of Equipment Acquisition Consolidated Fund for Purchase of FY2005 Rolling Stock and Other Equipment – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill. Council Member Quan absent. ORDINANCE 2005-0168 ADOPTED.

Mayor White stated that a bus for Council Members and the City Controller would leave from the City Hall Annex parking lot at 10:20 a.m. for the funeral of Captain Burke. Council Member Quan absent.

Mayor White stated that there would be a Mayor's Report next week, that he had been very much bothered about the issue of abandoned buildings and the gap between what they said they were doing and what they were doing for the last several decades, that he would have some information that he would circulate, that he believed that the property was foreclosed on and nobody showed up, that it was prior to the present administration, that nobody bothered to do anything about it, that they were all in it together and he could assure them that it would not happen if it was in River Oaks, that they were going to put the resources, if they needed to reprogram budget resources, that it did not take that much to tear down a house, he had looked at the Code and they were going to circulate the Code and they were going to devote the resources that they needed to it, that he did not think it should be a political issue, but he needed everybody's help around the Council table about what they would do with the problem, just like the Council Members who had been appearing before the bar permit applications, that they had been appearing at the Liquor Board Hearings, the Alcoholic Beverage Commission had been working with police, that they did raids and were shutting them down, that Governor Perry agreed with him that he would help pass legislation giving them some jurisdiction over the after hours clubs in the neighborhoods that wanted to see them shut down, that it was not to politicize but they learned from the death of Firefighter Kulow and they would learn from the death of Captain Burke.

There being no further business before Council, the City Council adjourned at 9:41 a.m. Council Member Galloway absent due to death in family. Council Member Wiseman absent due to being ill.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary