

City Council Chamber, City Hall, Tuesday, March 1, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 1, 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; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, 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 being ill.

At 1:54 p.m. Mayor Pro Tem Alvarado stated that Council would begin presentations and called on Council Member Edwards who invited those with KPFT Radio to the podium and stated that KPFT was a long standing partner in District D and they set the standard for community radio; and presented a Proclamation saluting and commending them on their 35th anniversary and proclaimed March 1, 2005 as "KPFT Pacifica Radio Day" in Houston, Texas. The representative from KPFT thanked Council Members Edwards and Garcia and Mayor White for the acknowledgement of a true community radio resource. Council Members Goldberg, Wiseman, Holm, Quan, Green and Berry absent.

Mayor White invited those present with the USS Houston to the podium and stated that today he had a special presentation as the City of Houston took special pleasure noting the service of its namesake's ship the USS Houston and its role in keeping America safe; that for more than 200 years the Navy had defended its homeland and they were particularly proud of the USS Houston which was an attack submarine and presented them a Proclamation proclaiming March 1, 2005 as "USS Houston Day" in Houston, Texas. The Captain of the USS Houston presented Mayor White with a picture of the USS Houston and stated that if the Mayor and Council were ever in Guam they would be glad to give them a tour; that the USS Houston now had the best equipment around and was now being deployed and they appreciated all that Houston had done. Council Members Goldberg, Green and Berry absent.

Council Member Garcia stated that he wanted to give his appreciation to the men and women serving on the USS Houston for their brave service and all at home were extremely proud of them. Council Members Goldberg, Green and Berry absent.

Council Member Lawrence invited Ms. Harriet Semander to the podium and stated that it's said one person can make a difference and no one would know how many lives were saved through Ms. Semander; that Elana, Ms. Semander's daughter, was one of twelve women murdered by serial killer Coral Eugene Watts who was credited with over 40 homicides nationally; that for over 20 years she fought to keep him from being released by Texas law, she fought it five times and brought national attention to the fact he would be released early and through that Michigan was able to find a cold case and charge him with murder and now he was serving a life sentence without parole; and presented her a proclamation for her many contributions and extended support and proclaimed March 1, 2005 as "Harriet Semander Day" in Houston, Texas. Ms. Semander thanked everyone for the proclamation and Andy Khan who had been supportive through the years. Council Member Sekula-Gibbs absent.

Council Members expressed thanks to Ms. Semander for her leadership on the issue. Council Member Sekula-Gibbs absent.

Council Member Khan invited the Winning Team of the Houston Regional Future City Competition to the podium and stated that the National Transportation Department and the National League of Cities had competition for the best city design and this team won best transportation system among all presentations from all over the country and presented Miss Kimi Rafie, Miss Katherine McKenna and Miss Theresa Sturdivant of Duchesne Academy of the Sacred Heart Certificates of Recognition. Council Members Holm and Sekula-Gibbs absent.

At 2:15 p.m. Mayor White called the meeting to order and called on Council Member Ellis who led in the prayer and in the pledge.

The City Secretary called the roll. Council Member Galloway absent due to being ill.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Galloway absent due to being ill. MOTION ADOPTED.

Mayor White stated that as a point of personal privilege Council Member Galloway was ill today and all were wishing her well.

Council Member Edwards moved to hear Ms. Njeri Shakur, Ms. Jewel Nelms, Mr. Bruce Williams, Mr. Art Browning, Ms. Nancy Letness, Ms. Elaine Gaskcamp, Mr. Marvin Shaw, Ms. Ann Shaw, Ms. Marcia Ellett, Mr. Bob Renbarger, Ms. Becky Edmondson, Mr. John Carrington, Ms. Sue Ann Chu, Dr. Phil Huang, Dr. Lewis Foxhall, Mayor Bill King, Dr. Alex Prokhorov, Mr. Christopher Casey, Mr. Jerry Brady and Ms. Claudia Flores out of order, substitute Ms. Betsy Stratton for Ms. Marcia Ellett and add Pastor Myron Cloyd to the list of speakers, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Berry absent. MOTION 2005-0181 ADOPTED.

Mayor White asked the City Secretary to read the rules of Council; and the City Secretary stated that under the Rules of Council, Section 2-2 rule 8B in the Code of Ordinances if the total time for speakers was greater than 150 minutes each speaker was allowed one minute and when those provisions were invoked the total time for Council's questions was one minute per speaker, so each speaker would be allowed only one minute to speak. Council Member Berry absent.

Council Member Alvarado stated that as clarification the City Secretary said Council had one minute combined; and the City Secretary stated that was correct; Council Member Alvarado stated that she would ask that those rules be adhered to so all could be heard. Council Member Berry absent.

Council Member Garcia stated that as a point of personal privilege he wanted to introduce the Student Council of Sam Houston High School and asked them to stand to be recognized. Council Member Berry absent.

At 2:25 p.m. Mayor White asked the City Secretary to begin calling the speakers. Council Member Berry absent.

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-222-0749) appeared and stated that she was present against further executions especially Ms. Frances Newton who should have never been sentenced; that she had an incompetent attorney, Ms. Newton had traces of nitrate on her skirt, but not on her blouse or hands; and now they were saying the skirt evidence was contaminated and she believed a halt should be called for all Harris County executions. Council Member Berry absent.

Ms. Jewel Nelms, 5300 Desoto, Houston, Texas 77091 (713-373-7019) appeared and stated that she was mother to Frances Newton and in 1987 she received a call her daughter's husband and children had been shot; that her daughter's hands were bagged and there was no gun residue on them, no blood was there and she was still accused of the crime and convicted. Council Members Garcia and Berry absent.

Mr. Bruce Williams, 834 Grandville Drive, Houston, Texas 77091 (713-694-2189) had reserved time to speak but was not present when his name was called. Council Members Garcia and Berry absent.

Mr. Art Browning, 12446 Texas Army Trail, Cypress, Texas 77429 (281-728-6327) appeared, presented information and stated that letters were coming from around the world to straighten up the crime lab in Houston and encouraged Council to support the resolution on a moratorium against executions until that was done. Council Members Garcia and Berry absent.

Upon questions by Council Member Edwards, Mr. Browning stated that Ms. Newton's attorney was not disbarred but was suspended for a number of years, he was not allowed to practice death penalty cases and believed it was because of this and other cases; and he thought the retesting on firing the gun was in progress. Council Members Garcia and Berry absent.

Ms. Nancy Letness, 9430 Portal Drive, Houston, Texas 77031 (713-348-3654) appeared and stated that she lived in southwest Houston and they had a garbage transfer station built on a 24 year old permit and today she and others were present to ask for Council's support on Item 17, to reconsider the permit modification made in 2002 which did not allow the neighborhood the opportunity to present their case. Council Members Garcia and Berry absent.

Ms. Elaine Gaskcamp, 9315 Petersham, Houston, Texas 77031 (832-423-9671) appeared and stated that she was president of Super Neighborhood 36 and asked all those present with her stand to be recognized; Ms. Gaskcamp further stated that she was asking Council to approve Item 17 on their Agenda tomorrow; that they filed a lawsuit because they were denied opportunity to have a hearing before the TCEQ and their attorney felt this was a major modification, the 24 year old permit was issued when things were far different in their area and now the courts were the only way to have their opportunity; and urged Council's support. Council Members Garcia and Berry absent.

Council Member Goldberg stated that this was a dormant landfill and in 24 years a huge neighborhood grew around it; that they still thought it should be there and the neighborhood had been trying to fight it for some time and he hoped Council would support it. Council Members Garcia and Berry absent.

Council Member Sekula-Gibbs stated that she supported Council Member Goldberg and applauded him for placing it on the Agenda. Council Members Garcia and Berry absent.

Mr. Marvin Shaw, 6343 Ivy Knoll Drive, Houston, Texas 77035 (713-721-5160) appeared and stated that he was president of Southside Wood Place Property Owners Association in Southwest Houston and present on behalf of Super Neighborhood 36; that he knew Council felt all should have quality of life and hoped for their support. Council Members Garcia, Alvarado and Berry absent.

Ms. Ann Shaw, 6343 Ivy Knoll Drive, Houston, Texas 77035 (713-721-5160) appeared and stated that no matter what scientific studies were conducted they could not say for certain having a transfer station in the heart of a neighborhood would not affect their health and they did not want to wait until tragedy struck. Council Members Garcia, Alvarado and Berry absent.

Ms. Betsy Stratton who had previously been added to the speakers list appeared and stated that the Alliance fully supported the Super Neighborhood's efforts to keep the integrity of neighborhood and communities from being diminished by monetary desires of others and the Refino Transfer Station would have an adverse effect on their lives, their health, etc., without zoning the burden of watchdog fell on the neighborhoods and there was no place for industrial facilities near neighborhoods, churches, schools or businesses. Council Members Edwards, Garcia, Alvarado, Quan, Sekula-Gibbs and Berry absent.

Mayor White stated that they stood by them and would continue to stand by the neighborhood; that one question he imposed was whether that particular transfer station was

necessary for the city's solid waste needs and the answer was no and they would be taking action with the desire of the residents. Council Members Lawrence, Edwards, Garcia, Alvarado, Quan and Berry absent.

Council Member Ellis stated that Ms. Straton had been substituted for Ms. Marcia Ellet, but she now had arrived and he would like to hear from her next; and Mayor White stated that with no objections it would be so ordered. Council Members Garcia, Alvarado, Quan and Berry absent.

Ms. Marcia Ellett, 8811 Abbeydale Drive, Houston, Texas 77031 (713-777-5543) appeared and stated that the Mayor and Council had always done what they could in the past; that their lawsuit arose from the TCEQ's discussion to grant a modification to permit a 24 year old permit and they felt the TCEQ's rules were violated. Council Members Garcia, Alvarado and Berry absent.

Mr. Bob Renbarger, 98 San Jacinto, Austin, Texas 78701 (512-476-2020) appeared and stated that he was with the law firm who was for the company Ruffino Hills LP and they did want to become a good neighbor; that this was a very old permit and Ruffino Hills on their own expense hired the best solid waste engineering firm in the State of Texas to make it more protective of the environment and it was accomplished; and that they wanted opportunity to have dialogue with those around them. Council Members Garcia, Alvarado and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Renbarger stated that as of January 1, 2005, Ruffino Hills was operational, they were receiving and processing solid waste; that the timeline was met and they had all necessary permits. Council Members Garcia, Alvarado and Berry absent.

Upon questions by Council Member Quan, Mr. Renbarger stated that the TCEQ had a Houston area office and they had not presently met with the neighbors. Council Members Garcia, Alvarado and Berry absent.

Ms. Becky Edmondson, 10815 Ashcroft, Houston, Texas 77096 (713-729-4825) appeared and stated that she lived in SW Houston and in 40 years there were many changes; that the Ruffino Transfer Station was a bad idea and it did not belong in their neighborhood; and urged that the Mayor and Council vote for Item 17. Council Members Garcia, Alvarado and Berry absent.

Mr. John Carrington, 9720 Ruffino Road, Houston, Texas 77031 (713-988-4274) appeared and stated that he was with Waste Services, Inc. and responsible for the Ruffino Hill Transfer Station; that they had found stolen cars and a body there and spent over \$3,000,000.00 building a nice facility and they were very proud of it; that instead of passing a resolution to fight it and spending money on legal fees he would suggest a mediator to help find common ground and address the communities concerns. Council Members Garcia, Alvarado and Berry absent.

Council Member Quan thanked Mr. Carrington for the offer; and upon questions, Mr. Carrington stated that they had not made the offer before this was his first opportunity; and Council Member Quan stated that for him to come at the last minute and offer remediation at least showed a sign of effort on his part and he hoped that he would follow-up on it. Council Members Garcia, Alvarado and Berry absent.

Mayor White stated that he spoke with officers of the company and told them many months ago they needed to deal directly with the neighborhood and their Council Member and he was sure it was done. Council Members Garcia, Alvarado and Berry absent.

Ms. Sue Ann Chu, 9015 Sterlingame, Houston, Texas 77031 (713-771-3743) appeared and stated that she lived in the Ruffino Hills area and read a letter from Fort Bend County

Commissioner, Precinct I, Mr. Tom Stavinoha which stated that he supported Council's efforts in joining Super Neighborhood 36 in their fight against the Ruffino Hills Transfer Station. Council Members Garcia, Alvarado and Berry absent.

Upon questions by Council Member Edwards, Ms. Chu stated that the TCEQ had refused to speak with their group; that their concern was there were over 2,000 homes just in two subdivisions so the demographics had changed from earlier years; and Council Member Edwards stated that she supported the resolution. Council Members Garcia, Alvarado and Berry absent.

The City Secretary stated that Mr. Bruce Williams was now present and would be heard next. Council Members Garcia, Alvarado and Berry absent.

Mr. Bruce Williams, 834 Grandville Drive, Houston, Texas 77091 (713-694-2189) appeared and stated that he was present to speak on the DAs Office, the HPD crime lab and Harris County Sheriff's Department; that they had not cooperated with Ms. Frances Newton's attorney and they chose to ignore information which may set her free; and he was asking that Council set a moratorium for all executions in Harris County to be stopped until they got the DAs Office, HPD crime lab and Harris County Sheriff's Department together and everything was brought out. Council Members Garcia, Alvarado and Berry absent.

Ms. Joann Gavin, 846 W. 24th Street, Houston, Texas 77008 (713-861-3137) appeared and stated that they were coming before Council with the case of an African American woman wrongfully convicted and sentenced to death by Harris County; that Ms. Newton's case was another example of bungling by the police crime lab and they would like it taken over by an independent outside experts so it could be put in order and that was another example as to why there should be a moratorium placed on all executions and the resolution they brought to Council was of that effect. Council Members Garcia, Alvarado and Berry absent.

Council Member Edwards stated that she thought there was enough evidence in this case of DNA and crime lab mishandling and as a Council Member she could not stand by and watch a woman be executed on this evidence and suggested that her colleagues look strongly at supporting the resolution. Council Members Garcia, Alvarado and Berry absent.

Council Member Sekula-Gibbs moved to switch Dr. Huang and at this time hear Mr. Bill King; and Mayor White stated that with no objections it would be so ordered. Council Members Garcia, Alvarado, Green and Berry absent.

Mayor Bill King, 1215 Kipps, Kema, Texas 77565 (713-254-8989) appeared and stated that his fellow Council's theory was they were waiting on the City of Houston to take action so they could follow their lead and have some consistency throughout the region; that he thought Kemah would be at a great disadvantage if they did not adopt a ban after Houston did because if you could visit the Aquarium and have your choice of smoke or no smoke he felt families would choose the one with no smoke. Council Members Alvarado, Green and Berry absent.

Council Member Sekula-Gibbs thanked Mayor King for being supportive of the smoking ordinance; and upon questions, Mayor King stated that he was reluctant to speak for his Council but thought they would follow suit, if Houston had a total ban that would be what he would look for Kemah to adopt and he would suspect they would; that he spoke with restaurant owners and there were mixed opinions, but he thought most cities in surrounding areas were waiting to follow Houston. Council Members Goldberg, Alvarado, Ellis, Green and Berry absent.

Council Member Quan stated that as Dr. Huang came up he would like to say that Mr. Bill Durkee and Ms. Claudia Flores were giving up their time for him. Council Members Goldberg, Alvarado, Ellis, Green and Berry absent.

Dr. Phil Huang, 1100 W. 49th, Austin, Texas 78759 (512-458-7200) appeared, presented information and stated that he was the Chief Medical Officer for Chronic Disease at the Texas Department of State Health Services and from the department's standpoint it was primarily a health issue, but he would like to address the economics in particular a study circulated about an experience in Dallas and he would refer them to information behind tab seven where the Comptroller showed data of tax revenues for the City of Dallas and they were broken down to restaurants, restaurants with bars, etc., and it showed the growth of sales and they could clearly see there was no depreciable affect and if they looked at the numbers of restaurants and bars they would see the numbers continued to climb in the same pattern even after passage of the ordinance. Council Members Goldberg, Edwards, Alvarado, Ellis, Green and Berry absent.

Council Member Quan stated that there was an Oakridge Study which was also presented and it said if you studied ventilated bars they had no more contamination than restaurant areas with no smoking at all; and Dr. Huang stated that was not correct; that he thought there was a lot of problems with things funded by the tobacco industry, that there were no health claims that could be made for any ventilation system out there today; that they could deal with odor but not the toxic chemicals; that they did lose two conventions but that was Phillip Morris and Cigar Aficionado. Council Members Lawrence, Goldberg, Edwards, Ellis, Green and Berry absent.

Upon questions by Council Member Holm, Dr. Huang stated that the Department of State Health Services served as a resource to many communities and cities adopted a no smoking policy because first and foremost it was a public health issue; that El Paso had the strongest and it included everything including stand alone bars; that they varied across the state but there was certainly an increase with seven entire states including everything even stand alone bars and some major tourist attractions. Council Members Lawrence, Goldberg, Edwards, Ellis, Green and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Dr. Huang stated that historically the restaurants were supported by the tobacco industry, there was a recent New York Times article which came out in February and some of those who had been most vocal against it in New York City were now for it; that he had not seen the actual language of the proposed ordinance but would look at it and get back with her. Council Members Lawrence, Goldberg, Edwards, Ellis, Green and Berry absent.

Dr. Alex Prokhorov, 3522 Chantwood, Pearland, Texas 77584 (no phone) appeared, presented information and stated that he was representing M. D. Anderson Dr. John Mendelsohn and he strongly supported a comprehensive ban on smoking in public places in Houston; that as the city's elected leadership it was critical they consider the importance of a simple fact, one-third of all cancers would be eliminated if they all stopped smoking and the toll on cardiovascular and lung disease was comparable; that toxic molecules in tobacco smoke caused damage and there was substantial scientific evidence to support the conclusion that inhaling secondhand smoke was a significant health threat; and urged they take the leadership role. Council Members Lawrence, Goldberg, Ellis, Quan, Green and Berry absent.

Upon questions by Council Member Edwards, Dr. Prokhorov stated that his position was based on literature and studies and there was no such thing as effective ventilation and he thought cigarette smoking should be banned completely. Council Members Lawrence, Quan, Sekula-Gibbs and Berry absent.

Mr. Bill Durkee, 11802 Village Park Circle, Houston, Texas 77024 (713-465-5322) relinquished his time to Dr. Huang. Council Members Lawrence, Quan, Sekula-Gibbs and Berry absent.

Ms. Claudia Flores, 10060 Buffalo Speedway, Houston, Texas 77054 (713-610-5043) relinquished her time to Dr. Huang. Council Members Lawrence, Quan, Sekula-Gibbs and Berry absent.

Mr. Christopher Casey, 574 W. Cottage, Houston, Texas 77009 (713-880-1453) appeared and stated that he was present because of recent talks about the taser and the heart; that people who had blocked arteries could be more irritable than those who did not and he wondered if there could be a cooperation between the medical establishment and the police education establishment which could bring about a way to ID people who had clogged arteries. Council Members Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that he wanted to know how they were going to measure the effectiveness of the tasers and whether it was accomplishing goals; that he felt they were in agreement to have an independent entity to review each use of a taser and make sure they had a good solid policy and he would like the Mayor's consideration of it; and Mayor White stated that he and the Chief talked about it and there was a group recognized by law enforcement as being authoritative and they were called on and he thought the Chief was working with them to see what they could do to have others defray some of the cost. Council Members Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she was a proponent of independent study of the taser use for a long time and she hoped they would take the initiative to do it; that if they were going to be good stewards they needed to make sure it was done. Council Members Wiseman, Garcia, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Khan moved to take Ms. Emery Lauten and Ms. Nicolle Sanders out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Wiseman, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. MOTION 2005-0182 ADOPTED.

Ms. Emery Lauten, 10370 Cook Road, Houston, Texas 77099 (281-794-4927) appeared and stated that all persons in bars, restaurants, bingo parlors and bowling alleys deserved protection from secondhand smoke which was an infringement on their rights to breathe air free from toxic and highly carcinogenic substances which were known to be detrimental to their health; and urged that a comprehensive smoke free ordinance which would genuinely protect from secondhand smoke for all indoor and workplaces be passed. Council Members Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Khan, Ms. Lauten stated that she thought a no smoking ordinance would positively improve people's health and that there would be no negative economic impact; that she came from another state with smoke free restaurants and bars and even the smokers commented how they enjoyed being in a smoke free environment. Council Members Wiseman, Holm, Garcia, Green and Berry absent.

Ms. Nicole Sanders, 11455 Bissonet, Houston, Texas 77099 (281-561-0753) appeared and stated that public intoxication was a violation of the law and a victimless offense, however, public smoking was offensive and not victimless; that studies showed secondhand smoke caused more than a 24% to 39% increase in cancer risk to nonsmokers; that she was forced to breathe it and her respiratory system was restricted and she considered that an assault. Council Members Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Khan stated that he knew Ms. Sanders worked with young people; and upon questions, Ms. Sanders stated young people were very susceptible and they did not want to help them kill themselves by accepting and breathing secondhand smoke. Council Members Goldberg, Wiseman, Holm, Garcia, Green and Berry absent.

Ms. Mariana Lemesoff, 1603 Northwood, Houston, Texas 77009 (713-869-8399) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Wiseman, Holm, Garcia, Green and Berry absent.

Ms. Trish King, 12027 Isle Vista Drive, Houston, Texas 77041 (713-857-3413) appeared and stated that she would like to give her time to Ms. Chelsey Spivey. Council Members Goldberg, Wiseman, Holm, Garcia, Ellis and Berry absent.

Mayor White stated that if there was no objection they were substituting speakers; and asked Ms. Spivey to continue. Council Members Goldberg, Wiseman, Holm, Garcia, Ellis and Berry absent.

Ms. Chelsey Spivey appeared and stated that she was with the NOT Program sponsored by the American Lung Association by the Ft. Bend Independent School District; that people who were concerned about secondhand smoke kept children in mind, smoke traveled and everyone had to breath it and children's lungs were more susceptible and they should not have to have brain, heart or lung problems; and urged a vote for the full smoking ban. Council Members Goldberg, Wiseman, Holm, Ellis, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Quan, Ms. Spivey stated that at school they had 15 in their group and they were formed a couple of months now; that they wanted their society to be a more hopeful and healthful society and did not want to be contaminated by smoke; and Council Member Quan thanked her and her classmates for coming today. Council Members Goldberg, Holm, Ellis, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards, Ms. Spivey stated that she thought the sale of cigarettes should be outlawed. Council Members Goldberg, Ellis, Sekula-Gibbs and Berry absent.

Dr. Stuart Abramson, 4407 Heatherwilde, Sugarland, Texas 77479 (832-824-1129) appeared and stated that he was a board certified pediatrician an allergist at Baylor College of Medicine in Texas Children's Hospital and was present to urge Council to support a complete ban on smoking for indoor public places; that there was no right to pollute indoors and it was Council's place to protect within the extent of their powers to do so. Council Members Goldberg, Wiseman, Holm, Ellis, Quan and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Dr. Abramson stated that there was clearly data which showed exacerbations of asthma, respiratory illnesses; that the whole airway was affected and the number one reason for admittance at Texas Children's Hospital was asthma, it was the most common chronic disease admission in the hospital and certainly passive smoking exposure was involved and you had more ear infections related to sinus infections; that he was obviously concerned with smoking in the home also, but children could not control their exposure in restaurants and other establishments and it was very clear they suffered from it; that also when it was reduced in the workplace it helped people to quit and it helped as a public related health issue for everyone. Council Members Goldberg, Wiseman, Holm, Ellis, Quan and Berry absent.

Upon questions by Council Member Edwards, Dr. Abramson stated that smoking was a contributing factor for children coming to the emergency room and he knew people who had children with asthma and they were afraid to take their children to establishments where there was smoke; that clearly some children were more sensitive than others and smoke in restaurants and bars was a contributing factor to the exacerbations of asthma. Council Members Goldberg, Wiseman, Holm, Ellis, Quan and Berry absent.

Dr. Lewis Foxhall, 3700 Harper, Houston, Texas 77005 (713-249-6555) appeared and stated that he was associate vice president for health policy at the M. D. Anderson Cancer Center and a member of the State Health Services Council and chair of the Texas Comprehensive Cancer Control Coalition and as a member of the executive board of the Harris County Medical Society he was representing their president and 9,000 members; that

nonsmokers were exposed to secondhand smoke and its harm and many died from it, over 50,000 annually died from cancer and heart disease and he hoped Council would think of them as they deliberated; that the proposed ordinance would ban smoking in restaurants and allow it in bars, but if they were going to ban they should just do it, separate ventilation did not work and no would should be at risk; that the physicians of Harris County appreciated their work. Council Members Goldberg, Wiseman, Holm, Ellis, Quan and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Dr. Foxhall stated that Council should just ban smoking and let the workers and patrons enjoy a smoke free environment. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Leonard Lovings, 902 Helms Road, Houston, Texas 77088 (281-705-8285) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jack Sutter, 2401 Fountainview #1010, Houston, Texas 77051 (713-268-1010) appeared and stated that he was present to discuss the contents of a letter he wrote to Mayor White; that he was a Houston resident, a business owner and longtime volunteer for the American Lung Association and it was time to let Houston adopt a smoking ban; that many cities and other countries had done it, one being Ireland, their association made a decision to start recognizing groups which passed comprehensive smoking bans and had issued an invitation to the Prime Minister of Ireland to meet in New York during St. Patrick's Day and it was accepted and he would be giving him an award and would very much enjoy doing that to the Houston City Council. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Desiree Gonzales, 1515 Holcombe, Houston, Texas 77030 (713-792-7128) appeared and stated that she was representing Houston Communities for Safe Indoor Air, a coalition of nine organizations representing the ethnically diverse citizens of Houston and Harris County; that today they had a rally on the steps of City Hall with the message to save lives and they were working to promote public policies which would allow all to breath safe smoke free indoor air; that they believed everyone had the right to breath safe carcinogen free air in the workplace and ventilation would not solve the problem of secondhand smoke; that all deserved a safe workplace and deserved Council's help in protecting them. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Henrietta "Henri" Childers, 103 Sibelius, Houston, Texas 77079 (713-461-8979) appeared and stated that her mother was smoking with her first child and she had four children, she died at age 77 of lung cancer, her brother died in his 40s of lung cancer, her sister had surgery from lung cancer and her other sister had emphysema and COPD and she had bronchitis; that secondhand smoke did kill and a partial ban would not help; and urged Council to place a total ban on smoking. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Quan and Green absent. (NO QUORUM PRESENT)

Mr. Michael Hatley, 8910 Twin Hill, Houston, Texas 77071 (713-772-4613) appeared and stated that it made no sense to ban smoking from standalone bars as no children went in them and the economics of the city depended on those bars; that the one Super Neighborhood issue he would ask that the city get involved with a conversation between the local neighborhood and the company; that they were worried about stink, rats, etc., and the bottom line was there were concerns and urged Council to pass the resolution Mayor White had put before them. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis and Green absent.

Pastor Myron Cloyd, who was previously added to the speakers list, appeared and stated that as a pastor he officiated at five funerals of which they had died of secondhand smoke and

as leaders Council took an oath to provide the best for its citizens and urged that Council pass a ban on smoking. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Ellis and Green absent.

Upon questions by Council Member Edwards, Pastor Cloyd stated that research showed cigarettes killed and he would ban them all together. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Ellis and Green absent.

Upon questions by Council Member Edwards, Mayor White stated that one concern around the table was that there were a number of ordinances with the city and to enforce all of them they would probably have to increase the payroll by about 2,000; that he had investigated issues in other jurisdictions and he thought it was better to have enforcement than to have others enforce it and they were trying to size something so it could be enforced; and Council Member Edwards stated that she thought pollution needed to be stopped in and outdoors, but wanted to know about the enforcement; and Mayor White stated that they were impressed on information received on economics in other areas and in talking about affecting people's lives enforcement was important; that on selective enforcement they tried to make choices on where the priority should be. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Rev. Amos Morrison, 2131 Whittier Drive, Houston, Texas 77032 (281-372-1787) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Ms. Elaine Jefferson, 3742 Maroneal, Houston, Texas 77025 (713-666-4388) appeared and stated that she was representing the Smoke Free Alliance and the purpose of the notebook received earlier was so they could make a decision based on the truth and a poll showed that 65% of Houstonians favored restaurants and bars going smoke free and 85% believed all Houston workers should be protected from secondhand smoke; that the Mayor and Council took on a tremendous task of making outdoor air healthier and the indoor air could be handled by just banning smoking. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Ellis and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Ms. Jefferson stated that the study referred to was done independently and 65% believed they should go smoke free. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis and Green absent.

Upon questions by Council Member Quan, Ms. Jefferson stated that many studies going from 1981 to present showed ventilation did not work. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis and Green absent.

Upon questions by Council Member Berry, Ms. Jefferson stated that she thought the problem was restaurants were victims of propaganda just like everyone else, it was about education, people feared change, but many had come and shown evidence there would be no difference and that was why they came to show Council the truth; that Houston was still considered the fattest city and she did not think people would not continue and keep enjoying their restaurants just because of not smoking and she knew smokers who did not mind not smoking in restaurants. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Quan and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Jefferson stated that this was about health and 3,000 died each year because of secondhand smoke and she was confident if they went 100% smoke free her group would go back and reevaluate the results and applaud the Mayor and Council's efforts. Council Members Lawrence, Goldberg, Wiseman, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Tom Seerden, 6301 Richmond Avenue, Houston, Texas 77057 (713-706-5678) appeared and stated that he was executive director of the American Cancer Society and had little to add to what had been said except the American Cancer Society was getting ready to invest \$15,000,000 in the Houston Medical Center for cancer research and they did that because they looked to this medical community for answers and this medical community gave them answers to this issue and it was clear what needed to be done and Council could listen to them or listen to the special interest groups of the tobacco industry; that it was ironic the city which was an envy to the world with its wonderful medical community was still the butt of jokes because of its health of citizens; and urged that Council pass a comprehensive no smoking ordinance with no loopholes. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Judy Kajander, 1202 Krist, Houston, Texas 77055 (281-795-3687) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Tex Fountain, 13710 Neils Branch, Houston, Texas 77077 (713-963-9493) appeared and stated that the ordinance before Council offered no real penalties for noncompliance and it should include strong penalties for those who fail to comply; that penalties in other cities ranged from \$25.00 to \$500.00 and he urged Council to penalize \$500.00 a day for noncompliance and patrons a minimum of \$250.00 for non compliance; and urged a smoke free hotline for those who did not comply and officers should be able to be authorized to serve citations to any business or patron who did not apply. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Fountain stated that as he saw the proposed ordinance it had no penalty for noncompliance. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Heilman stated that there was a penalty in the ordinance, 21-237 provided an offense if the person knowingly or intentionally was in possession of a burning tobacco product in any public place or large multi-tenant building it was a Class C misdemeanor with a fine of \$200.00 to \$2,000.00. Council Members Lawrence, Goldberg, Wiseman, Holm, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she believed no citations had actually been issued and no fines had been issued through the ordinance; and upon questions Mr. Heilman stated that he was unaware of what happened with the existing ordinance; and Council Member Sekula-Gibbs stated that it seemed it would be difficult to enforce under the current mechanism and even if there was a ticket or hotline she would take that as a good recommendation. Council Members Lawrence, Goldberg, Wiseman, Holm, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Steve Christian, 7340 Washington, Houston, Texas 77007 (281-389-7352) appeared and stated that as a third generation business owner in the City of Houston and he recognized what they were doing and as a bar/restaurant owner he was for the smoking ban, but he was for a total smoking ban instead of a partial as with a total ban people would not go somewhere else and cost him any economic impact; that all should be equal; that Council Member Berry stated why didn't restaurants just do it if they wanted it and some did but others worried about losing part of their paycheck; and urged a total smoking ban. Council Members Lawrence, Goldberg, Wiseman, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Christian stated that his business was

Christian's Tailgate Bar and Grill; that unfortunately they did smoke there and he despised cleaning ashtrays; that he did not ban it himself as he did not want to lose money from his paycheck. Council Members Lawrence, Goldberg, Wiseman, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Alan Poindexter, 3346 E. T.C. Jester A-17, Houston, Texas 77018 (713-894-9249) appeared and stated that he was a singer and when on stage saw a cloud of toxic smoke, but on the other hand he did like a cigar now and then though he did not inhale; that he took in more smoke when he was on stage than when he lit a cigar; that he did not mind stepping outside to puff a cigar and trusted Council could find a way for him to be safe when on stage. Council Members Lawrence, Goldberg, Wiseman, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Linda Smith, 6646 Community, Houston, Texas 77005 (713-664-3521) appeared and stated that prior to teaching she studied nursing and she was a huge sports fan; that smoking in public places was an air quality public health issue and as was outside air pollution and she was asking for a ban in all public places with adequate penalties and enforcement; that many would go into sports bars if there was no smoke and it would increase revenue. Council Members Lawrence, Goldberg, Wiseman, Holm, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Dr. Garrett Walsh, 1812 Staffordshire Crescent Drive, Houston, Texas 77030 (713-404-3139) appeared and stated that as a vascular surgeon at M. D. Anderson Cancer Center his entire career revolved around treating those with cancer and the science was irrefutable, exposure to nonsmokers of secondhand smoke within minutes caused measurable changes in their bodies and was directly responsible for over 50,000 deaths annually in this nation; that the Mayor and Council were in a unique position to improve the health and well-being of generations of Houstonians to come and had the opportunity to save more lives with their votes than he could hope to accomplish through his entire surgical career; and urged that they strengthen the ordinance to be a real law, they should use their elected authority and conscious to do the right thing. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs thanked Dr. Walsh for being present and sharing his experience; and upon questions, Dr. Walsh stated that if they could look into the eyes of someone dying of lung cancer and who worked in the hospitality industry they would understand the depth of the problem and something must be done at once; that it was a no-brainer that they could do something at no cost and it was ridiculous to even be having the conversation. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Dr. Ramirro Sanchez, 5721 Chimney Rock, Houston, Texas 77081 (713-218-7300) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Richard Jennings, 7523 Woodvine, Houston, Texas 77055 (713-476-9006) appeared, presented information and stated that he was executive director of the March of Dimes in Houston and was present urging Council's vote for the smoking ordinance; that smoking was a very high risk factor for premature birth and prematurity was a growth crisis in America including in Houston with one in eight babies being premature and it was on the rise; that it was common, serious and costly and half of all infant medical cost was due to premature birth, exceeding \$15,000,000,000 a year with 11,000 babies born each year prematurely in Houston and it was the leading cause of death in infants. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Mr. Jennings stated that the March of Dimes was present supporting the ordinance because of those reasons; that State Senator Leticia Van de Putte filed Senate Bill 653 to modify the point of sale warning at retail outlets which sold tobacco products to say pregnant women should not smoke, if they did they were more likely to have babies born preterm, still born or die because of CIFS and the surgeon general's 2004 report to the nation said the evidence was sufficient to infer a coral relationship between smoking and many babies after they were born; and the March of Dimes urged Council to do the right thing, join them and do what was right in protecting against smoke. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Jennings stated that babies were affected by smoke, whether a mother was inhaling the smoke from a cigarette or from secondhand smoke, it was the number one cause of immaturity. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Jennings stated that he had not seen the proposed ordinance but they were very much in favor of smoking ceasesation and were in favor of the ordinance. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that so the record was clear he knew that Mr. Jennings thought smoking should be banned in all public places; and Mr. Jennings stated that was correct. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that the ordinance as it stood now eliminated smoking in the dining hall but protected it in attached bars and free standing bars; and upon questions, Mr. Jennings stated that they did not want smoking anywhere a pregnant woman would go and women in the hospitality industry may not know they were pregnant until the baby was already harmed. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Danna Omalley, 4702 Sunbery, Texarkana, Arkansas 71854 (870-774-8507) appeared and stated that she drove to Houston because their twin city Texarkana, Texas passed a no smoking ordinance and three things came up that was very exciting, one was people could have just gone to the border but instead sales went up, employees felt they now had a voice and they found they had more support than they thought; that also an owner who was deading against the smoking ban had now said he really liked the smell of his own food. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs welcomed Ms. Omalley and her husband and daughter to Houston and thanked them for sharing the information; and Ms. Omalley stated that if it was good for business there it would be good for business in Houston and they had other options, but just did not go. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Omalley stated that they drove a little over six hours, but she had four children and one got very itchy eyes around smoke; that she thought if people knew and would just put away their beliefs it would be a win/win situation. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Jerry Brady, 827 East Rogers, Houston, Texas 77008 (713-695-4321) appeared and

stated that he was president of Liberty Cab Company and was present supporting the concept of taxis being designated as smoking or nonsmoking; that it was time for customers and drivers to have the choice to ride in a smoke or smoke free taxi; that under the current ordinance Section 46-119 a non smoking taxi driver was in violation of the law if he or she refused to carry a smoking passenger. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that when she met with Mr. Brady and those in the industry and there was a great deal of support for the concept of making smoke free vehicles; and upon questions, Mr. Brady stated that he received a draft of the ordinance and it seemed there was no provision to alleviate a driver's jeopardy and could have his license revoked if he was a nonsmoker and refused to take a smoker to their destination. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Heilman stated that it would be a citable offense if a person smoked in a smoke free cab and a person would know which he was in as it was designated as such. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Mr. Brady stated that he was referring to Section 46-119; and upon further questions by Council Member Sekula-Gibbs, Mr. Heilman stated that he did not have that section available, but again if the cab was designated as nonsmoking and the individual did smoke it would be in violation of the ordinance; and Council Member Sekula-Gibbs stated that it would then basically be bringing the two ordinances to be compatible; and asked that he get back with her on that. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Elvia Valdez, 6410 Creekwind circle, Houston, Texas 77084 (832-215-1897) appeared and stated that she was a 25 year old Hispanic female whose family had a long fatal cancer history with her mother and sister being survivors of breast cancer, her grandmother dying of cancer and she could not understand why she had to walk through a thick cloud of smoke just to get to work; that when going to a club she had red eyes, nausea and by the time she was leaving her voice sounded like a man's; that she spent much money going to doctors and had only one life and chose to be smoke free; and urged Council to not allow others to choose for her. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Craig Campbell, 66 Evanston No. 4, Houston, Texas 77015 (713-453-5798) appeared and stated that he was a Houstonian and tobacco control advocate; and urged Council take to heart the information which had been shared when making their decisions. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Deloyd Parker, 3815 Live Oak, Houston, Texas 77004 (713-521-0641) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Dr. Lawrence Mallette, 1515 Clebrene, Houston, Texas 77004 (713-529-6508) appeared and stated that he had a private practice of internist and cardiologist and did not like to welcome anyone into his practice with diabetes or lipid problems such as a smoker and encouraged them to stop, but had not kicked any out yet; that he visited Ireland and it was awful with all the smoke

and left with a bad impression thinking they must not care about the value of life at all, now they passed a nonsmoking ordinance and it said no smoking in an indoor workplace; that as a hobby he played Irish music and played at the Mucky Duck and they now made all performances smoke free. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Dr. Mallette stated that until recently the policy was to have one smoking and one nonsmoking performance but now it was banned at all performances. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (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. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

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

Ms. Kristen Jones, 3214 Ferndale, Houston, Texas 77098 (713-529-1230) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Linda Ensley, 550 Post Oak Blvd. #540, Houston, Texas 77027 (713-622-7332) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Ray Jones, 3214 Ferndale, Houston, Texas 77098 (713-529-7887) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was the official U. S. President and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-865-3824) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Charles George, 13704 Garber Lane, Houston, Texas 77015 (281-639-2723) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 4:24 p.m. City Council recessed until 9:00 a.m., Wednesday, March 2, 2005. Council Member Galloway absent due to being ill. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, March 2, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, March 2, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, 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 being ill.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:20 a.m. Mayor White reconvened the meeting of the City Council and stated that the first order of business was a public hearing. Council Members Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent.

HEARING - 9:00 A.M.

1. **PUBLIC HEARING** to consider the proposed amendments to the Planning and Zoning regulations for Tax Increment Reinvestment Zone Number One (St. George Place) (TIRZ) and zoning map to rezone Reserve "A" Big Ben Shopping Center, and Lots 3 and 4, Block 18 Lamar Terrace Subdivision - **DISTRICT C – GOLDBERG** – was called.

The City Secretary stated that Mr. Martinez would make remarks on the hearing. Council Members Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent.

Mr. Martinez stated that the subject of the public hearing was to consider changes to the planning and zoning map for the St. George Tax Reinvestment Zone Number One, that they also had the Zoning Administrator present to answer any questions if there were any, that the proposed zoning changes were to rezone several properties from residential planned urban development to urban planned urban development and they were located at the southwest corner of West Alabama and McCullough Circle, the change would enable a replatting and allow the owners of the property to obtain a building permit for commercial use and bring the property in conformance with the zoning ordinance, that the TIRZ Board of Directors held a public hearing and approved the zoning map amendments on January 11, 2005, prior to the TIRZ

public hearing the Planning and Zoning Commission held a public hearing on June 10, 2003 and subsequently recommended that the TIRZ Board of Directors approve a change to the zoning, and that concluded his remarks. Council Members Wiseman, Khan, Garcia, Green and Berry absent.

Upon questions by Council Member Quan, Mr. Martinez stated that the property currently was in nonconforming use, when the zoning regulations were put in place the property was commercial already so it was operating as a commercial site, the rezoning classification would allow them to add a parking facility, which they currently could not do under the current zoning ordinance that was in place right now, that there was an oriental rug store that was there now, that there were four parcels there now, the oriental rug shop was actually on the parcels that were currently zoned for residential planned urban development. Council Members Wiseman, Khan and Garcia absent.

Council Member Quan moved to hear from the Zoning Commissioner at this time, seconded by Council Member Alvarado. Mayor White stated that if there was no objection it was so moved. Council Member Galloway absent due to being ill. Council Members Khan and Garcia absent.

Upon questions by Council Member Quan, Mr. David Hawes stated that the area was zoned in 1992 with the zoning ordinance passed by the City Council and at that time everything in the whole area was zoned R1 Single Family, they did have zoning area in Houston and this was the only area, other than the airport, that had zoning, that there had been three amendments since 1992, one to expand the zoning when the TIRZ was enlarged to go to Chimney Rock and then they established a NCPUD District on Richmond and then they established a RPUD over on Chimney Rock area to McCullough, that what happened was that anything that was in place prior to 1992, land use, and the rug company was there prior to the zoning going into place, so that made it an illegal nonconforming use, all the amendment did was bring that structure into conformance with the land use and the zoning ordinance and the map change would do that. Council Members Khan, Garcia and Green absent.

Council Member Quan moved to close the public hearing, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Khan, Garcia and Green absent. MOTION 2005-0183 ADOPTED.

MAYOR'S REPORT - Demolition of abandoned buildings

Mayor White stated that he wanted to visit with his colleagues about the process that they were going through in the next week and they were going to post the same topic within either one or two weeks, specifically he wanted to take an opportunity to request some comments or suggestions, they took down over 700 abandoned houses last year, which was sharply up from what it had been in prior years but less than it needed to be, they had, over the last several weeks, gone through with Chief Lumpkin, Mr. Arturo Michel, Mr. John Walsh and others, step by step, through the process of what they could do to accelerate the procedure, that he would ask for a report to the full Council concerning what the goal would be within the next 12 months about taking down abandoned houses and then it would be his intention to track that and invite the Council Members, particularly those who had a number of the abandoned houses in their districts, and hold accountable the performance of the City in that regard, that was the substance of his report on the issue, just to tell them that what they had done historically was unacceptable, what they did last year was better, and what they had to do in the future was better still and that he was going to call on his colleagues on Council to help him enforce the sense of urgency and make sure they were able to do some things, if they looked at the elements of State and Local law called dangerous buildings and if people had a checklist and some guidelines from the Legal Department concerning what they would do to gather evidence, that one thing very specifically that he wanted Neighborhood Protection and the Legal Department to look at was the extent to which citizens, members of the Council staff and others,

could be deputized or authorized to collect the type of evidence that was needed for the brief administrative law hearing in order to get a dangerous building demolished, that there should be guidelines, that they saw that the long time abandoned buildings, by their very nature, they could not just board up a window or door and say that was sufficient to remove the danger, which had been somebody's interpretation in the past, that he thought it was a commitment, he thought, that they needed to redouble to themselves after the death of Captain Burke and after they saw what went on when they had the buildings that were used as crack houses, that boarding up was not a sufficient alternative for a lot of the dangerous structures, that he invited comments directly to him and then they would have a more detailed report with a work plan either next Wednesday or the following Wednesday. Council Members Goldberg and Garcia absent.

Council Member Quan stated that once the plan was developed if he wanted a hearing before their committee they would be meeting on March 17, 2005 and they could make it an agenda item. Council Members Goldberg and Garcia absent.

Council Member Edwards asked what constituted an abandoned building because every time they reported one they got a different reason why it could not be torn down, that she would like a clear distinction and she would like to see some kind of partnership with civic clubs or groups in the community that they could hire to maintain the lots if they did not have the staff to maintain them after the buildings were torn down. Council Members Goldberg and Garcia absent.

Mayor White stated that they lacked clear guidelines, and if it had been that way for a long time and no one had been living in it he thought there ought to be some finding that they had which could be used in multiple administrative hearings, that they were going to come up with some guidelines that were common sense. Council Member Garcia absent.

Council Member Khan asked if they were also addressing the commercial properties in the effort or were they only talking about residential properties, and Mayor White stated that he thought there was a separate hearing process concerning the commercial buildings and Mr. Michel stated yes there was, and Mayor White stated that also ought to be compassed in a report concerning what they were doing because they did have the problem of commercial properties scheduled for demolition, that to Mr. Michel, Mr. Wilson and others, there was bond to be a way that they could recover some of the costs on abandoned commercial properties that were tax delinquent through expedited foreclosure process where those liens were preserved, etc.

Mayor White stated that he thought it would be useful in some committee to go through a case study with some of the commercial buildings, which had been in the process for a while. Council Member Green absent.

Council Member Lawrence stated that first they needed to look at the law and that was where the Legal Department could be a big benefit to them, that they needed to get that information to their legislators and not just talk about it; that they had a lot of school systems and they ought to ask those schools to prioritize first those dangerous buildings they had, and Mayor White asked Mr. Michel to do it, unless he saw a problem, and they would count on him to write to the superintendents of the school districts asking for recommendations concerning abandoned properties in a state of disrepair and probably enclosing the ordinance, which was in plain language, the City guidelines, which they were in the process of revising, and Mr. Michel stated that he would get started today on it. Council Members Garcia, Quan and Green absent.

Council Member Alvarado stated that there seemed to be some inconsistencies on what was a dangerous building, that in the Fourth Ward they had some instances where they had been so quick to order a house or structure to be demolished, they had one this week, it was a historical structure that burned but the decision to demolish it was made in a matter of hours

without notifying the property owner and she thought the whole process needed to be revisited and there needed to be some consistency and there needed to be special consideration given to historical structures. Council Member Green absent.

At 9:48 a.m. Mayor White stated that the next order of business was the Monthly Financial Report. Council Member Green absent.

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds – was presented.

Ms. Annise Parker, City Controller, stated that this was the Monthly Financial Report for the period ending January 31, 2005, the good news was that their projection of the budget shortfall had decreased to \$14.3 million, it was \$2.9 million less than they predicted in the December 2004 Monthly Report, that they were watching revenue closely and were using the expenditure numbers from the administration, that in anticipation of City Council consideration of the Annual Appropriation Ordinance later in the month she had been asked to give the level of revenues that she would be willing to certify and based on their current projection she was willing to certify total General Fund Revenues of \$1.441 billion, they would continue to work while F&A substantiated the amount of property taxes that would need to be transferred to the TIRZs this year and there was also the potential that F&A would be able to substantiate the transfer in of \$1.5 million in fees related to non consent tows, that actually they were working on that on a daily basis and that number could change a little bit as they worked through those two items, that as a result their revenue projections may change by those amounts before the Appropriations Ordinance was presented to Council, but if the revenue shortfall stands at \$14.3 million, as it did today, she would expect the administration to offer some plan on how they would meet that shortfall, it was permissible, under the City ordinance, to take Fund Balance above 5% and use it for that purpose, if they applied the 5% test to the currently projected expenses, less debt service, \$23.6 million of the \$88 million currently in Fund Balance could be used for budget relief, that money was available, it did not mean that she thought it was a good idea to use it nor would she advice Council to do so, she thought they should be building up that reserve, and that concluded her report. Council Members Alvarado, Ellis and Berry absent.

Ms. Judy Gray Johnson, Director, Finance and Administration, stated that they had reviewed their revenue estimates for the General Fund, as usual they had made quite a number of changes up and down this month but the net effect, overall, was almost nil, she thought it was about \$100,000 difference, they were seeing increases in Franchise Revenues and in Miscellaneous but were seeing decreases in their projection for Ambulance Revenues and made an adjustment for Municipal Court Revenues after reviewing the overall situation, although there were signs in February that those may be back on a more positive track, so they tried to take the latest information into account and do the best they could to predict what the future lay for the rest of the fiscal year with five months to go, that they did an in depth review of the revenues line by line with the Fiscal Affairs Committee yesterday and she felt it was very helpful and they got some good feedback on it, so at any time they were happy to go to that level of detail and answer questions, that she and the Controller were glad to work together and happy to let everybody understand how they were putting their numbers together and what their viewpoint was, that they did a more in depth review of expenses as well and of the expenses that were going over budget, and one department would be going over budget and they would without a doubt need to transfer funds to prevent cuts in services and it was the Solid Waste Department, it was primarily due to the increase in fuel costs, that they had talked about for a couple of months, along with increases in disposal costs, that the good news against that was that they had savings and under runs of spending in several other departments so overall the situation had not gotten worse, they particularly had savings in health benefit costs as a result of the extension of the contract for the final year of the Health Benefits Contract and there were a number of departments that were spending below budget, they would be coming to Council in

March with the final budget transfers that would require Council approval as well as the General Appropriations Ordinance and they would plan to work very closely to make sure that they had a plan to hold spending in line with revenues as they came in, they were in agreement with the Controller that they did not plan to spend down the Fund Balance, it could happen if they got surprised by changes in revenues very late in the fiscal year, they were going to work very closely with the departments to make sure that they did everything they could to keep spending and revenues in line with each other, and that concluded her report. Council Members Edwards, Alvarado and Berry absent.

Council Member Ellis moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Edwards, Alvarado and Berry absent. MOTION 2005-0184 ADOPTED.

Council Member Sekula-Gibbs moved to consider Item Numbers 2, 3, 4, 18, 31 and 43 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Edwards, Alvarado and Berry absent. MOTION 2005-0185 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON LIBRARY BOARD OF DIRECTORS**:

- Position One - **MR. MIGUEL ESPINOSA**, reappointment, for a term to expire 3/1/2006
- Position Two - **DR. EUGENIO A. AGUILAR, III**, reappointment, for a term to expire 3/1/2007
- Position Three - **MS. PATRICIA J. LASHER**, reappointment, for a term to expire 3/1/2006
- Position Four - **MS. CATHRYN RODD SELMAN**, appointment, for a term to expire 3/1/2007
- Position Five - **MR. JACK S. BLANTON, JR.**, reappointment, for a term to expire 3/1/2006
- Position Six - **MR. JESSE H. JONES, II**, appointment, for a term to expire 3/1/2007
- Position Seven - **MS. ZARINE M. BOYCE**, reappointment, for a term to expire 3/1/2006
- Position Eight - **DR. J. S. STONE, II**, reappointment, for a term to expire 3/1/2007
- Position Nine - **MS. ANNETTE MULLINS**, appointment, for a term to expire 1/1/2006
- Position Ten - **MS. HARRIET CALVIN LATIMER**, reappointment, for a term to expire 3/1/2007
- Position Eleven - **MR. FRANKLIN D. R. JONES, JR.**, reappointment, for a term to expire 3/1/2006
- Position Twelve - **MS. CYVIA G. WOLFF**, appointment, for a term to expire 3/1/2007
- Position Fifteen - **MS. ELLEN SPENCER SUSMAN**, appointment, for a term to expire 3/1/2006
- Position Sixteen - **MS. BONNIE GAYLE BROOKS**, appointment, for a term to expire 3/1/2007
- Position Eighteen - **MS. ANNE SHEN CHAO**, appointment, for a term to expire 3/1/2007
- Position Nineteen - **MR. J. MICHAEL TREVINO**, appointment, for a term to expire 3/1/2006

- was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Wiseman absent. MOTION 2005-0186 ADOPTED.

Mayor White and Members of Council congratulated the newly appointed and reappointed members of the Houston Library Board of Directors and asked that they stand and be recognized. Council Member Wiseman absent.

3. REQUEST from Mayor for confirmation of the appointment of **MR. JIM MORIARTY**, to serve as **PART-TIME MUNICIPAL COURT JUDGE**, for a term to expire two years from date of appointment - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Wiseman absent. MOTION 2005-0187 ADOPTED.

Mayor White and Members of Council congratulated Mr. Jim Moriarty on his appointment and asked that he stand and be recognized. Council Member Wiseman absent.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **PLANNING COMMISSION**:
 - Position One - **MR. LEE D. SCHLANGER**, reappointment, for a term to expire 3/31/2007
 - Position Five - **MR. MARK A. KILKENNY**, reappointment, for a term to expire 3/31/2007
 - Position Six - **MS. KAY CROOKER**, reappointment, for a term to expire 3/31/2007
 - Position Ten - **MR. TALMADGE SHARP, SR.**, reappointment, for a term to expire 3/31/2007
 - Position Twelve - **MS. ALGENITA SCOTT DAVIS**, reappointment, for a term to expire 3/31/2007
 - Position Thirteen - **MR. ETAN M. MIRWIS**, reappointment, for a term to expire 3/31/2007
 - Position Twenty - **MR. JEFF E. ROSS**, appointment, for a term to expire 9/30/2006
 - Position Twenty-One - **MR. MEDARDO E. "Sonny" GARZA**, appointment, for a term to expire 9/30/2006

- was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Wiseman absent. MOTION 2005-0188 ADOPTED.

Mayor White and Members of Council congratulated the newly appointed and reappointed members of the Planning Commission and asked that they stand and be recognized. Council Member Green absent.

18. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Smoking in Public Places - was presented, and tagged by Council Members Sekula-Gibbs, Wiseman, Lawrence and Green.

Council Member Sekula-Gibbs stated that they had amendments to be offered.

Council Members Wiseman, Lawrence, Green and Sekula-Gibbs released their tags in order for amendments to be offered for Item No. 18.

Council Member Alvarado stated that they had been discussing the issue for quite some time and had a lot of input from the public and offered the following two amendments:

"RE: Agenda Item No. 18 (3/2/2005)

I move to amend Item 18 as follows:

Renumber Sections 3 and 4 as Sections 4 and 5, respectively, and add a new Section 3, as follows:

Section 3. That eighteen months after passage, the Mayor and City Council shall consider an ordinance containing provisions for a plan to further limit areas in which employees would be exposed to second-hand smoke”, tagged by Council Member Wiseman. Council Member Green absent.

Council Member Alvarado offered the following written motion to amend Item No. 18:

“RE: Agenda Item No. 18 (3/2/2005)

I move to amend Item 18 as follows:

Add a new Section 3 to read as set forth below, and renumber the subsequent Sections as necessary.

Section 3. That the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 21-247 that reads as follows:

Sec. 21-247. Violations; penalty.

Whenever in this article an act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in this article the doing of any thing or act is required or the failure to do any thing or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine not to exceed \$2,000. Each violation shall constitute and be punishable as a separate offense. Prosecution or conviction under this provision is cumulative of and shall never be a bar to any other civil or administrative remedy provided or allowed in this article or by law.”, tagged by Council Member Wiseman. Council Member Green absent.

Council Member Sekula-Gibbs stated that she had submitted an amendment to the Mayor’s ordinance that would eliminate smoking in restaurants, attached bars and free standing bars, that she believed that was what the majority of Houstonians wanted, that she believed the record was clear from the testimony of literally hundreds of Houstonians who had come before Council that they wanted clear air:

“I move that Section 21-237(c)(2) of Agenda Item 18 be amended to read as follows:

- (2) Further, the following areas, or portions thereof, may be designated as exception areas:
 - a. A tobacco specialty retail shop;
 - b. A room or hall being used for private functions;
 - c. A room or area that is being used as a hospitality suite at a stadium;
 - d. A separately enclosed private individual office or work area or occupancy within a large multi-tenant building; and
 - e. Restaurant outdoor seating area, provided that a separate nonsmoking section is provided in the outdoor seating area., tagged by Council Member Wiseman. Council Member Green absent.

Council Member Quan stated that they had heard all of the testimony, Austin, Dallas, San Antonio and El Paso, almost every major City in Texas had taken action and they had not, that citizens had asked for a more comprehensive ban than the Mayor had proposed and he offered the following amendments to the Mayor’s proposal:

“Amendments to Item 18 of City Council Agenda for March 2nd, 2005

In response to the overwhelming concerns of the health community and the public, I would amend Sections 21-236 and 21-237 of the Code of Ordinances as attached to ban smoking in public places including:

- Large multi-tenant buildings
- Lounge bars
- Private function events in public buildings
- Covered parking garages

- Bingo halls
- Pool halls
- Sporting venues
- Restaurant bars
- Convention Center Exhibition areas
- Lobbies
- Hospitality suites at stadiums

Accordingly, the following sections are to be deleted/modified under this amendment as outlined in the attached red-lined version.

This ban would include all public and work places except those otherwise allowed by Section 21-237. These exceptions are:

- An enclosed bed space area of a hospital or nursing home used to two or more patients
- A hotel or motel sleeping room rented to guests
- A tobacco retail store
- Restaurant outdoor seating area, provided that a separate nonsmoking section is provided in the outdoor seating area, tagged by Council Members Wiseman and Lawrence.

Council Member Edwards asked Council Member Alvarado if they were saying that they were just going to add on to the ordinance or were they looking to do an independent evaluation of what they were doing, and Council Member Alvarado stated that she knew there were some Council Members, one or two, who may speak to the independent expertise but her hope or the intent of the amendment was to come back and evaluate what had taken place, the progress of the ordinance, and then consider expanding it to other areas to cover a larger area than just the stand alone restaurants. Council Member Green absent.

Council Member Garcia stated that it was his intent to offer a friendly amendment to Council Member Alvarado's amendment to read:

RE; Agenda Item No. 18 (3/2/2005)

Section 3. Independent 3rd party study be conducted as agreed upon by stakeholders (namely health organizations and business interests) and presented to council in 18 months".

Council Member Garcia stated that he did not like setting policy on Dallas or New York data, that he wanted to set it on Houston's data and thought such a study by an independent would allow them to have Houston based data and would help provide them a better compass on how to move forward. Council Member Green absent.

Mayor White stated that he had heard Council Member Alvarado say that she would accept the amendment by Council Member Garcia, that Council Member Wiseman had tagged Council Member Alvarado's amendment and Council Member Wiseman withdrew her tag on Council Member Alvarado's amendment. Council Member Green absent.

Council Member Ellis asked what the amendment was and Council Member Garcia stated that an Independent 3rd party study, as agreed upon by stakeholders, business interests and health organization to be presented to council in 18 months, and Council Member Alvarado asked who would pay for it, and Council Member Garcia stated that the stake holders would, that the City would not be obligated to pay for it, that he had heard from the business interests and health organizations that they would be willing to share the cost for such a study, and Council Member Alvarado stated that she would accept. Council Member Green absent.

Mayor White stated that if there was no objection, by consent it was so ordered, and Council Member Wiseman tagged the amendment as amended. Council Member Green absent.

After discussion by Council Members, Council Member Ellis if Council Member Alvarado would be agreeable to striking "containing provisions for a plan to further limit areas in which employees would be exposed to second-hand smoke" then adding the amendment that was put forth by Council Member Garcia, he would be in favor of voting for it. Council Member Green absent.

Council Member Khan stated that by agreeing to that procedure they were saying they would only consider further banning; that in general he had another question and asked what would be the enforcement, who would be enforcing whatever ordinance they passed, and Mr. Michel stated that the enforcement would be done by HPD and also the Health Department would have the authority to issue citations, including those that had to do with the signage and other matters like that, that in terms of who would be liable there were two different types of parties that could be liable, one was the person who was smoking and the other was the person who was in control of the establishment, so they could have two citations issued for a smoking incident.

After a further lengthy discussion by Council Members, Mayor White stated that the amendments and Item No. 18 had been tagged by Council Members Wiseman, Lawrence and Green. Council Members Goldberg and Ellis absent.

31. ORDINANCE approving and authorizing contract between the City of Houston and **MULTICULTURAL EDUCATION AND COUNSELING THROUGH THE ARTS**, to provide \$200,000.00 in Community Development Block Grant Funds for Partial Funding of Design Costs associated with the Renovation of a Facility located at 1900 Kane Street - **DISTRICT H - GARCIA** - was presented. Council Members Goldberg and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to speak in favor of the item, that they had discussed it at the Housing Committee meeting and it was a well recognized project in Council Member Garcia's District and urged her colleagues to support the item. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding.

A vote was called on Item No. 31. All voting aye. Nays none. Council Member Galloway absent due to being ill. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding.

43. 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 - (**This was Item 30 on Agenda of February 23, 2005, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS**) - was presented. Mayor White and Council Member Ellis absent.

Council Member Wiseman stated that she had reviewed the interlocal agreement and the agreement was only about the towing process and was nothing more than a transfer of funds, \$442,000 from Metro to the City of Houston to pay for the tows, that she thought it was disingenuous to get the public to believe that it was about bettering the MAP program when it was nothing more than circumvent what Council had attempted to do in limiting the funding amount of \$100,000 to pay for those tows, therefore she could not support the interlocal agreement and would be voting "no". Council Member Quan absent.

Council Member Sekula-Gibbs stated that she would vote against the item because it was really not a \$442,000 allocation for MAP, it was \$442,000 for free tows and as she had said before many of the drivers who were going to be receiving free tows already had towing as part

of their insurance or warranties on their cars so it was really a duplication, that she had questions, what if Metro MAP came up at the same time that a SafeClear tow truck came up who would get the car.

Mayor White stated that the item was for a towing component and Metro, which was the principal funder of MAP, had long wanted some component for people who needed assistance and the item provided a vehicle for taking care of that within MAP.

Council Member Sekula-Gibbs stated that in terms of the overlapping function of the original MAP and now the Metro MAP and SafeClear and would like to meet with someone about that.

Council Member Edwards asked if the MAP program, as it had existed, was paid for by taxpayer dollars, funded by taxpayer money, and Mayor White stated that was correct, and Council Member Edwards stated that she thought it was disingenuous to infer that MAP was some kind of free program that was not being paid for by taxpayer dollars. Council Member Alvarado absent.

Council Member Berry stated that as to the protocol if a MAP truck responds at the same time as a SafeClear truck responds, they had put everybody on a shared dispatch system so it should rarely happen that it would occur because one dispatcher, working together with the jurisdictions to save money for the taxpayers, was going to be dispatching so two trucks would not be dispatched, but if they both drove up on it, it had been very clear what the protocol was and that was that the licensed peace officer would have ranking authority and that was the MAP truck, and at the end of the day it was all about timing and how long cars could sit on the shoulder. Council Members Edwards, Khan and Alvarado absent.

Council Member Garcia stated that he wanted to add his support on the item, that the bottom line was that it was good, that the issue of MAP versus tow trucks he would just as soon put more tow trucks on the freeways versus MAP trucks, because if they had a MAP vehicle out there and they could not move the car they would have to call for a tow truck. Council Members Goldberg and Quan absent.

After further discussion by Council Members, Council Member Wiseman called for the question, seconded by Council Member Sekula-Gibbs. Mayor White stated that if there was no objection it was so ordered. Council Members Holm and Green absent.

A vote was called on Item No. 43. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0170 ADOPTED.

Council Member Edwards stated that she would like to request that the administration do an extensive PSA campaign regarding awareness for the safe tow or MAP, that she thought it was important that people understood what the intrinsic pieces of the item was and if there was some kind of way that they could put together a paper that they could give to civic clubs and so forth so the people understood what the program was, who had priority, what their rights were as citizens and what would happen to their car if they were involved in a SafeClear procedure, that she thought it was very important that they have a strong media, electronic media as well as print media campaign on the issue. Council Members Wiseman, Garcia and Green absent.

Mayor White stated that it had been requested by a number of Council Members and they would undertake to do that. Council Members Garcia and Green absent.

CONSENT AGENDA NUMBERS 2 through 40

MISCELLANEOUS - NUMBER 7

7. RECOMMENDATION for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2005 - January 1, 2005 through December 31, 2005 - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Garcia and Green absent. MOTION 2005-0189 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 13

9. **NORTH AMERICAN CONTROLS CORPORATION** for Security Camera Upgrade at the City Hall Annex for Building Services Department - \$33,510.47 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Garcia and Green absent. MOTION 2005-0190 ADOPTED.
10. **TWIN TILE FLOORING CO.** for Carpet from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program, for the Convention & Entertainment Facilities Department - \$21,380.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Garcia and Green absent. MOTION 2005-0191 ADOPTED.
13. **TROY CONSTRUCTION, L.L.P.** for Emergency Repair of the Trailville Storm Sewer Outfall Pipe for the Department of Public Works & Engineering - \$129,250.00 - Storm Water Utilities Fund - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Garcia and Green absent. MOTION 2005-0192 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 40

17. RESOLUTION expressing the support of the City Council for the Greater Fondren Southwest Super Neighborhood #36 in its challenge to the permit modification granted to **RUFFINO HILLS TRANSFER STATION, L.L.P.** by the Texas Commission on Environmental Quality, including support for all appropriate legal actions taken by the City Attorney in connection therewith; making findings and provisions related thereto - **DISTRICT C – GOLDBERG** – 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 Member Green absent.
19. ORDINANCE consenting to the addition of 31.2052 acres of land to **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0171 ADOPTED.
20. ORDINANCE consenting to the addition of 102.69 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0172 ADOPTED.
21. ORDINANCE consenting to the addition of 3.841 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 158**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0173 ADOPTED.

22. ORDINANCE consenting to the addition of 14.9085 acres of land to **HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY, TEXAS**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0174 ADOPTED.
23. ORDINANCE consenting to the addition of 36.6280 acres of land to **NORTH BELT UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0175 ADOPTED.
24. ORDINANCE consenting to the addition of 99.697 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0176 ADOPTED.
25. ORDINANCE consenting to the addition of 90.0000 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0177 ADOPTED.
26. ORDINANCE approving and authorizing Interlocal Cost Sharing Agreement between the City of Houston and the **NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY** - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0178 ADOPTED.
27. ORDINANCE approving the assignment of the Groundwater Reduction Plan Agreement between the City of Houston and the **AMERICAN GOLF CORPORATION** for the Bear Creek Golf World to **WSG BEAR CREEK, L.P.** - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0179 ADOPTED.
28. ORDINANCE approving the assignment of the Groundwater Reduction Plan Agreement between the City of Houston and the **AMERICAN GOLF CORPORATION** for the Walden on Lake Houston Golf Course to **WSG WALDEN IV, L.P.** - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0180 ADOPTED.
30. ORDINANCE approving and authorizing contract between the City and **PERKINELMER LAS, INC** for Maintenance and Repair Services to the Atomic Spectrometer for the Health and Human Services Department; providing a maximum contract amount - Through August 1, 2006 with 3 one year terms - \$38,213.00 - General Fund - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0181 ADOPTED.
32. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **STATE OF TEXAS** through the Criminal Justice Division, Office of the Governor ("CJD") for the Police Storefront Crisis Team Grant/13 Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0182 ADOPTED.
33. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **STATE OF TEXAS** through the Criminal Justice Division, Office of the

Governor ("CJD") for the Forensic Scientist Training Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0183 ADOPTED.

34. ORDINANCE appropriating \$2,011.22 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Reimburse **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the City's Cost Participation for Construction on US-59 between I-45 and I-10, GFS S-0521-CT-3 (SB9165-02); under construction contract with TXDOT (approved by Ordinance No. 04-0049); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0184 ADOPTED.
36. ORDINANCE appropriating \$441,650.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing the purchase of land and improvements thereon out of Greenview Manor Section Two, McAuley Survey, A-577, and out of Hartland Acres Subdivision, W.C.R.R. Co. Survey, Section One, A-935, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-60.1; approving purchase and sale agreements with the owners of the land (Den Herder Family Living Trust; Bobby R. Talley and Yondalyn Talley; and Leslie Victor Gregg, Lassiter E. Gregg, Donard A. Gregg and Yondalyn D. Gregg Talley) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0185 ADOPTED.
37. ORDINANCE approving and authorizing contract between the City of Houston and **AMERICAN MEDICAL RESPONSE** for Emergency Medical Transportation Services for the Houston Fire Department - had been pulled from the Agenda by the Administration, and was not considered. Council Member Green absent.
38. ORDINANCE awarding contract to **SUPERIOR BUILDING SERVICES, INC** for Window and Glass Surface Cleaning Services for Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$4,421,250.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0186 ADOPTED.
40. ORDINANCE appropriating \$731,157.00 out of Parks Consolidated Construction Fund awarding construction contract to **MERIDIAN COMMERCIAL, L.P.** for Cloverland Park, GFS F-0504A-12-3; 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 Parks Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Member Green absent. ORDINANCE 2005-0187 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

5. RECOMMENDATION from Director Planning & Development Department to accept the January 2005 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program - was presented, and tagged by Council Member Wiseman. Council Member Green absent.
- 5a. RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$8,440,931.80 to Combined System Operating Fund (Fund #702) for revenue bond debt service as recommended in the January 2005 Semiannual Report of the Capital Improvements Advisory Committee (CIAC) - was presented, and tagged by Council Member Wiseman. Council Member Green absent.
6. RECOMMENDATION from Director Houston Airport System for approval of membership fees in Industry Organizations (Airport Council International & American Association of Airport Executives) for the period January 1, 2005 through December 31, 2005 - \$184,199.00 Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Members Green and Berry absent.

Council Member Holm stated that she would tag the item, that it came on the heels of the budget amendment that was passed last June for them to evaluate the membership fees and this item was \$184,000 for a membership fee, that they had committee meetings and sent memos and heard absolutely nothing and she would really appreciate some type of response so they could have some type of justification and discussion on the membership fees. Council Members Green and Berry absent.

Mayor White asked Mr. Hall if he knew where they were on it, and Mr. Hall stated that he would find out. Council Members Green and Berry absent.

PURCHASING AND TABULATION OF BIDS

8. **FIND CENTRAL POLY CORPORATION** non-responsible for two years due to a breach of contract by refusal to honor purchase orders in connection with award for various types of plastic bags awarded by Motion #2003-0110 - was presented, moved by Council Member Quan, seconded by Council Member Alvarado.

Council Member Sekula-Gibbs stated that she wanted to ask the Legal Department to give them an update regarding the progress they were making in developing some sort of policy or perhaps an ordinance that dealt with principals of companies that did business with the City and then found themselves in breaches of contract with the City and then were non responsive and then perhaps formed new companies and came back to the City and tried to do business again with the City, that she had requested that City Legal develop some sort of policy that could be fashioned into an ordinance so that they would not be in a revolving door situation of continuing to do business with the same people just by virtue of the fact that they had reformed themselves into new companies, and Mr. Michel stated that they would have a draft ordinance next week addressing those concerns that had been raised by her and others at past meetings. Council Members Holm and Green absent.

A vote was called on Item No. 8. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Holm and Green absent. MOTION 2005-0193 ADOPTED.

11. **AMEND MOTION #2001-943, 8/22/01, as amended by Motion #2004-540, 5/19/04, TO EXTEND** expiration date from August 27, 2005 to August 26, 2006, for Fuel, Aviation Gasoline and Turbine Fuel Contract for Police Department, awarded to **ADA RESOURCES, INC** - was presented, moved by Council Member Lawrence, seconded by

Council Member Garcia. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Holm and Green absent. MOTION 2005-0194 ADOPTED.

12. **AMEND MOTION #2002-901, 7/31/02, TO EXTEND** expiration date from July 31, 2005 to July 30, 2006, and **TO INCREASE** spending authority from \$100,153.00 to \$125,191.25, on award to **EQUIPMENT SUPPORT SERVICES (Formerly C.D.I. EQUIPMENT, LTD. dba CARRUTH DOGGETT INDUSTRIES)**, for Equipment, Case Backhoe Replacement Parts Contract for Department of Public Works & Engineering - Enterprise and Fleet Management Funds - was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Holm and Green absent. MOTION 2005-0195 ADOPTED.
14. **REHRIG PACIFIC COMPANY** for Plastic Recycling Containers for Solid Waste Management Department - \$66,996.30 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Holm and Green absent. MOTION 2005-0196 ADOPTED.
15. **AMEND MOTION #2002-1079, 9/18/02, TO EXTEND** expiration date from September 23, 2005 to September 22, 2007, for Automotive, Batteries Contract for Various Departments, awarded to **CONTINENTAL BATTERY COMPANY** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Holm and Green absent. MOTION 2005-0197 ADOPTED.
16. **AMEND MOTION #2001-747, 7/3/01, as amended by Motion #2004-650, 6/9/04, TO EXTEND** expiration date from July 12, 2005 to July 11, 2006, for Detroit Diesel Replacement Parts Contract for Various Departments, awarded to **STEWART & STEVENSON SERVICES, INC.** - was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Wiseman. Council Members Holm and Green absent.

RESOLUTIONS AND ORDINANCES

29. ORDINANCE approving and authorizing submission of a grant application to the **DEPARTMENT OF STATE HEALTH SERVICES** for the City's HIV/STD Prevention and Control Program (TDH Contract No. 7460011640-06); declaring the City's eligibility for such grants; authorizing the Director of the Health & Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Holm and Green absent. ORDINANCE 2005-0188 ADOPTED.
35. ORDINANCE appropriating \$1,000,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for the City's 20% Participation in the Congestion Mitigation and Air Quality Program, GFS N-0650-05-3; under construction contract with **TEXAS DEPARTMENT OF TRANSPORTATION** (approved by Ordinance No. 01-0579); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Holm and Green absent. ORDINANCE 2005-0189 ADOPTED.
39. ORDINANCE appropriating \$54,600.00 out of the Public Library Consolidated Construction Fund and approving and authorizing Professional Consulting Services

Contract between the City of Houston and **PRICE CONSULTING, INC** for Library Roof Surveys and Expandable Database; GFS E-0038-19-2 - was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Holm and Green absent. ORDINANCE 2005-0190 ADOPTED.

MATTERS HELD - NUMBERS 41 through 46

41. **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 – **(This was Item 5 on Agenda of February 23, 2005, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented, moved by Council Member Khan, seconded by Council Member Quan.

Council Member Garcia stated that he appreciated the administration and Judge Mejia for getting a commitment to get some of the tickets written in Spanish, that it was his understanding that about 15% of the folks coming through the Municipal Courts were folks who did not speak or read English, that he had heard there were some original concerns about whether or not they could do it but Mr. Calvin Wells had indicated that there was still a possibility of accomplishing it. Council Members Holm and Green absent.

Mayor White stated that he was glad that Mr. Wells and Ms. Sudhoff were able to work with Council Member Garcia on it to get it done. Council Members Holm and Green absent.

A vote was called on Item No. 41. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Holm and Green absent. MOTION 2005-0198 ADOPTED.

42. **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)** – **(This was Item 7 on Agenda of February 23, 2005, TAGGED BY COUNCIL MEMBER KHAN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Holm and Green absent. MOTION 2005-0199 ADOPTED.

44. 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 - **(This was Item 32 on Agenda of February 23, 2005, TAGGED BY COUNCIL MEMBER KHAN)** – was presented.

Council Member Quan stated that he and Council Member Khan had met with Mr. Wells on the item and there was an MWBE goal of 11% and they had only accomplished 3%, that they were obviously very disappointed with that, that they had met with Office Depot and they felt like there were great opportunities, especially in office supplies, for minority participation, that Office Depot had assured them that they would do better, that they wanted to make sure that Office Depot got the message that it was not acceptable to the City of Houston, that the contract would come up for review next year and he asked that Council Members continue to monitor their performance, that they were disappointed that they were never advised of the shortfall over the course of the last two years so that action could have been taken earlier to rectify it. Council Members Holm, Green and Berry absent.

A vote was called on Item No. 44. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Holm and Green absent. ORDINANCE 2005-0191 ADOPTED.

45. 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 48 on Agenda of February 23, 2005, POSTPONED BY CONSENT)** – was presented. Council Members Holm, Green and Berry absent.

Council Member Edwards stated that she wanted to thank Ms. Susan Young and people from the Medical Center for there discussions, that she was still very disappointed in the relationship that the community had with the Medical Center, hopefully they could move it forward and become better partners in the community, that she wanted to thank the Council Member's indulgence, that she was going to vote "no" on the issue because she thought there still needed to be some serious consideration given to how they develop partnerships in the community. Council Members Holm, Green and Berry absent.

A vote was called on Item No. 45. Council Member Edwards voting no, balance voting aye. Council Member Galloway absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0192 ADOPTED.

46. 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 49 on Agenda of February 23, 2005, POSTPONED BY CONSENT)** – was presented. All voting aye. Nays none. Council Member Galloway absent due to being ill. Council Members Green and Berry absent. ORDINANCE 2005-0193 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sekula-Gibbs stated that she wanted to thank the Mayor for putting the smoking ordinance on the agenda, that it gave them an opportunity to actually vote on something, that it did give citizens an opportunity to come out and speak on the issue and let their voices be heard, and if it was not something that people were satisfied with there was always the public referendum if they did not think that public debate had been adequate. Council Members Wiseman, Green and Berry absent.

Council Member Sekula-Gibbs stated that recently she and Council Member Khan met with Dr. Denton Cooley about the idea of naming the Southwest Multi Service Center after him, that there appeared to be no problem in doing this according to the review of Executive Order No. 1-47, Naming of City Facilities, that they knew it was really up to the Mayor to do that and she had an opportunity to discuss it with the Mayor's staff, that she thought it would be a great opportunity to name it after an esteemed Houstonian who had done so much for many citizens, not only in Houston but nationally and even internationally and it would increase public awareness of the multi service center and would broaden the base of support for the multi purpose center, that they formally sent Mayor White a memo, that she would like to know if they could move on the matter and was wondering if it would be something that was amenable to Mayor White and his administration, and Mayor White stated that he did read the memos from Council Members and asked when she sent it, that it was something that they would be happy to consider as they had some requests by Council Members previously, that what they had done before, if there were community stake holders, to make sure they were included in the terms of the Executive Order, that they would get on it and put it in the process. Council Members Wiseman and Green absent.

Council Member Khan stated that he wanted to show his support in naming the multi service center, that Dr. Cooley was one of the icons of the City, that he had been talking to his constituents,

especially in the Gulfton area and so far the response had been positive, that he would continue to do that and follow up with the Mayor especially if there were any concerns about the renaming from any of the constituents. Council Members Wiseman, Quan and Green absent.

Council Member Khan stated that in their CIP meeting and civic club meeting there was one theme that was constantly coming up and that was the issue of crime, graffiti, gang violence and prostitution, that it was definitely a big problem in southwest Houston, that they had scheduled a Townhall meeting on March 28, 2005 and thanked all of the At Large Council Members who had agreed to be there and Council Member Garcia. Council Members Wiseman and Green absent.

Council Member Khan stated that he was impressed with Mr. Marcotte and his selection process for engineering companies, of course there were people who always complained about the process, that there were two things that he would like for them to consider for the future, one, that there should be some process where people who were concerned about the whole system have some way to complain without really coming into the limelight, that secondly, he knew that a lot of cities gave preference to local firms when it came to City contracts and he was not sure if they were doing that in Houston, he would request that all things being considered equal, if they had the same kind of expertise available out there that they should give some preference to the local firms, because if the City did not do then nobody would give them preference, secondly, when they gave business to local firms it helped the economy in multiple ways. Council Members Wiseman, Holm and Green absent.

Council Member Khan stated that he wanted to thank Mr. Calvin Wells for his direct involvement regarding the MWBE participation in the Home Depot contract. Council Members Wiseman, Holm and Green absent.

Council Member Khan stated that he appreciated Ms. Velma Laws, who was developing a computer program where the progress of MWBE participation could be monitored on a regular basis. Council Members Wiseman, Holm and Green absent.

Council Member Khan stated that the Townhall meeting on March 28, 2005 would be held at HBU (Houston Baptist University). Council Members Wiseman, Holm and Green absent.

Council Member Quan stated that tonight there would be another meeting regarding the cell tower issue for the Houston Emergency Management System, that he was sure Council Member Garcia had spoken with the Mayor about the concerns of the neighbors where the HEC center was located about the tower being built and hoped that other Council Members would attend the meeting at the Knights of Columbus Hall on East Whitney, he thought everyone received an email about the meeting. Council Members Wiseman, Holm and Green absent.

Council Member Quan stated that he wanted to congratulate Mayor White on being recognized by the Children's Defense Fund on Friday for his work with children, he and County Judge Eckels. Council Members Wiseman, Holm and Green absent.

Council Member Quan stated that there would be a dinner on Saturday honoring Bishop Joseph Fiorenza for his 50 years of service for the Catholic Church, that the Arch Bishop had certainly done a lot to raise the profile of Houston. Council Members Wiseman, Holm and Green absent.

Council Member Quan stated that he wanted to commend Captain Karen Dupont with the Fire Department, that a couple of weeks ago they had former Cadet Randy Hicks before the Council complaining about an indefinite suspension and the Council Members did not understand what was going on and even Mr. Hicks did not understand what was going on, that he was pleased that Captain Dupont took the initiative to kind of take him through the process to make sure that all parties knew where Mr. Hicks stood and all of the options he had. Council Members Wiseman, Holm and Green absent.

Council Member Quan stated that as to the smoking ordinance he thought there were a lot of good proposals out there and knew the Mayor was going to be working through his office to try and reconcile some of the different amendments but he would still like to have a meeting on Monday afternoon so they could talk about it and see what they could work out, so they would be posting a meeting for 2:00 p.m. on Monday of the Neighborhood Housing and Redevelopment Committee to look at all of the proposals, that was in addition to efforts that Mayor White might be making as well. Council Members Wiseman, Holm, Sekula-Gibbs and Green absent.

Council Member Berry stated that he wanted to thank Public Works and the people he dealt with in that department, specifically Mr. Richard Varona, Mr. Gary Norman and Mr. Paul Nelson. Council Members Wiseman, Sekula-Gibbs and Green absent.

Council Member Berry stated that since implementation of 311 they had a lot of criticism and a lot of tinkering and their office had sort of taken an informal study of that and he could tell them that they had seen, over the past months, how they were getting better and better, that more and more often they were ahead of the curve, that they could only do the job that they were prepared to do and sometimes they did not always get the information to respond, that he wanted to let them know that they appreciated them. Council Members Wiseman, Sekula-Gibbs and Green absent.

Council Member Berry stated that out of the loss of Captain Burke he saw some profiles of courage, the Fire Chief being the first person on the spot to go to Captain Burke's home took a lot of courage, that Firefighter Ramrath, the unofficial funeral coordinator, really made everything come together and did a great job; that he was proud because he did not feel in any way that the City had let down the family of Captain Burke, that it was a moving and beautiful tribute to a man's life, service and sacrifice and the way it all came together was fitting for the man and the occasion, that there were firefighters who came from all over the Country to honor Captain Burke, that he would hope that as a City they would find a way to express to each and everyone of those departments that they appreciated that, and if it meant they all had to sign 75 documents he thought they would all step up and do that and if someone could coordinate it, he thought it would be appropriate. Council Members Wiseman, Sekula-Gibbs and Green absent.

Council Member Ellis stated that they had a Fiscal Affairs Committee meeting yesterday and it was quite informative, that they addressed two issues, which the Mayor requested them to do, and that was with regard to limited purposes annexations and how the Controller and F&A Director did their revenue projections and their different methodology, that he would encourage the administration and future administration to take the issue up in the first year of all Council Members terms so they could learn the process, the revenue and methodology, that he thought it was extremely important, that he thought everybody who was at the meeting learned a lot. Council Members Wiseman, Sekula-Gibbs and Green absent.

Mayor White stated that they ought to have something for the newly elected Members of Council where the administration was represented but organized and coordinated by the outgoing Members of Council, where the outgoing Members of Council having a program for the new Council Members, and Council Member Quan stated that Council Member Edwards had mentioned that last term, and they were actually trying to video tape each of the outgoing Council Members, talking about what projects they had been working on and the experiences they had so they could share them with the new Council Members, that it was an excellent idea and something they should follow up on. Council Members Wiseman, Sekula-Gibbs and Green absent.

Council Member Ellis stated that he agreed with the comments that were made by Council Member Berry, but there had been five firefighters who had died since he had been on Council, Ms. Kimberly Smith, Mr. Louis Mayo, Mr. Jay Jahnke, Mr. Kevin Kulow and Captain Grady Burke, and each time they had tried to take some action that would help protect the firefighters, from purchasing the thermal imaging cameras, of which they probably still needed to purchase some more and he would encourage his colleagues to work with them to try and find some money in the budget to make sure they had all of the equipment that was necessary, and to placing four firefighters on an

apparatus, whether that was the cause of Captain Jahnke's death or not, it was something that he thought everyone around the Council said they would pay the extra money to have four firefighters on the apparatus because they did not want it on their conscious that some died because there were not enough firefighters out there, that he heard the Mayor say that it was because they had not torn down enough abandoned buildings, well they probably should be more aggressive in what they were doing, that he thought it was something that the Fire Department needed, but were they not being too aggressive when they ran into the abandoned buildings, that he did not know the answer, but before he left the Council he would request that the Fire Department work with the IAFF along with the local union to find some solutions. Council Members Wiseman, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that he agreed with Council Member Ellis, that he knew there were people within the Fire command staff who had views and also knew there was a sensitivity of firefighters of having fire professionals take a hard look at it, that Council Member Ellis asked a very reasonable question, that it was not a matter of blame, it was just a matter of learning, that they also recognized as well that there were also lives saved and they honor those people, but certainly he respected the people who were in the Fire Department who had good minds and would encourage them to be asking the same thoughtful question that Council Member Ellis asked and they would support the judgment of fire professionals, but it was a question that needed to be asked and it was not a criticism of anybody. Council Members Wiseman, Sekula-Gibbs, Green and Berry absent.

Council Member Goldberg stated that the Houston Livestock Show and Rodeo was going to honor the military and anyone in a military uniform or valid military ID would get in free to Reliant Park, that in Thursday's show they would salute and spotlight the military with performances and the Armed Forces Radio and Television Service would carry the rodeo and music for everyone who was stationed abroad and he congratulated the rodeo for doing that. Council Members Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Goldberg stated that he wanted to congratulate Lanier Middle School Girls Basketball Team who won the HISD City Basketball Championship, they went 17 wins and 2 loses and were the best of 40 middle schools that were entered, that this year the girls dedicated the game to Ms. Rachel Darden, a former team member who had passed away recently, that in the true spirit of sportsmanship every player on the team played in the championship game. Council Members Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that District D's second CIP meeting would be Saturday, March 5, 2005 at the Willie Lee Gay Hall at HCC and would start at 10:00 a.m., that she wanted to thank all of the Departments and Department heads that were participating. Council Members Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that they would be holding a public hearing briefing for the City Council on March 10, 2005, Thursday, at 10:00 a.m. in Council Chamber and would be giving an overview of what was happening with HIV and AIDS in the City of Houston and also Hepatitis C. Council Members Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she had a problem in the City regarding parking, especially in urban communities where they had a mix of commercial and residential, older communities like Montrose and so forth that had been primarily commercial for a long time and were now becoming more residential, that decal parking had been a tool, that in her office they had at least 6 meetings regarding the issue of public parking, particularly the bars and taverns and problems that residents were alleging they were having, that most of those had come to a successful conclusion but recently there was one that came up in the Montrose area that their office was not involved in and it went according to process but one of the things that was bothersome to her were the only people who got notice of the hearing and of the process were the residents, they did not include the businesses and not for profits that were included in the same block, that she did not think they could solve the problems in her area with decal parking, so what they were looking to have was more discussion with the Mayor's administration as to how do they deal with more public parking in areas that were so

dense, the commercial businesses were already there and the residents were moving in and it had to be a win win for everyone, they were going to need some insight and guidance from whatever departments could come. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that the Central City and TMC issue with the deed restrictions had left a sour taste in her mouth, that ever since she had been on Council they had issues regarding deed restrictions, they had the hearings and they were going to do the registrar that said if deed restrictions were in place or were not in place and so forth and none of that had come to any concrete conclusion to say it was a tool they could use for deed restrictions in the communities, that several times when communities had their deed restrictions in place and were challenged on other issues they always lost, so her conclusion was that deed restrictions could not protect their property in the City of Houston, that she would like to see them have a real meaningful discussion with the civic clubs and the Legal Department as to what were they talking about when they talked about deed restrictions and what was the real meaning of them and what could they do and could not do. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that the issue of resolutions on the Council had been kind of selective enforcement as far as she was concerned, that she would like to look at areas where she thought they needed to look at resolutions for, the death penalty, that they needed to put a moratorium on the death penalty in this State until the Crime Lab and DNA issues were settled statewide; the Francis Newton case was to her classic of what they were talking about, that they were talking about an attorney that was assigned by the system and was totally ineffective and had since been suspended from doing death penalty cases, that she thought the questions were glaring enough for the Council to put forth a resolution; that she would also like to see them take a resolute position on historic buildings in the City, that there were historic buildings around the City and she thought there ought to be a policy; the discussion of the DNA and Crime Lab, that she had been hearing some not so settling things of where they were with accreditation and what was happening with it, that she did not know what was going on and would like to hear what was going on; and finally they were told that reparations was a real contentious issue and dividing issue and should not discuss it, that they had talked about clear and tow and smoking and did not think anything could be more divisive or contentious as what they had gone through and she would suggest that they once again look at the issue of reparations and supporting the House Bill that had been brought to them by the community several times. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Lawrence stated that she wanted to thank the various departments for the City of Houston and their various employees who helped them have a very successful CIP meeting in her district. Mayor White and Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that she encouraged her colleagues to come to the barbeque on Friday for Officer Pinkerton, who was shot in both arms and would be out of work for six months, there would be a fund raiser benefit for him on State Street and they had tickets for sale. Mayor White and Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that she served on the Rodeo Swine Committee and anyone who wanted to get involved in scholarship funds, they would give 800 kids scholarships, that \$5, \$10 or \$1,000 for 55 pounds of good pork meet, that it all helped the youth of the City and County, that the Rodeo was a wonderful event. Mayor White and Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that on training of new Council Members, she had gone through it and as some of the Council Members went out of office and thought they were well inundated in the first month so any additional training they may put it in the second month. Mayor

White and Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that Mr. Alejandro Ramos, who was an intern for the day, in the audience, that he was from the HCC South Campus, that he wanted to thank him for giving of his time to their office and asked that he stand and be recognized. Mayor White and Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to invite them to his CIP meeting tomorrow evening at the Harris County Department of Education Building, 6300 Irvington at 6:30 p.m., that he wanted to thank many of the civic groups he had been meeting and the super neighborhood councils, that he was trying to get information up front prior to the CIP meeting so that department directors could come to those meetings prepared with answers. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that on Saturday was the March on Crime Parade that the Northside BOND Community would be holding, that gathering would begin at the Holy Name Church and had a mile or two route to take. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he wanted to offer his prayers and condolences to the Zirmeno Family in his district, that a couple of weeks ago James Zirmeno was involved in a tragic accident and lost his life, and requested a moment of silence for the family. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he heard his colleague, Council Member Edwards, and the discussion of the moratorium on the death penalty, that it was a good discussion to have, that he respected his colleague for her comments and appreciated them as well. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that as to Council Member Ellis's remarks on the issue of their philosophy on firefighting, it was pretty much comparable and he respected that, that he thought there was an opportunity to learn because he knew they learned on the police side, that something comparable was their high speed chases, that many tragedies and things they learned from that enabled them to institute some discretion. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Holm stated that last night District G had their CIP and she too wanted to extend her thanks to all the departments who participated and were so supportive in having responses to the questions, it showed how much the City was working together for their constituents, that in addition representatives from Metro, TXDOT, HECTRA, the area TIRZs and some of the State Representative offices were also there. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Holm stated that last week she learned from the media that two of the downtown hotels were delinquent in loan payments and in watching the newscast she was disappointed in the initial response that the City of Houston representative expressed, that in 2001 they granted the Magnolia a tax abatement, 50% of their hotel and occupancy taxes, that basically the City writes them a check twice a year for \$120,000, \$240,000 per year, that she knew the Mayor was working on it and that they would come to some resolution but thought it might be encouraging that if they could not write the City a check for a loan payment then maybe the City would have a more difficult time in issuing them a check for the abatement, that she hoped they would look at coming forward with some type of a conclusion that might implement some further discussion. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Holm stated that last May and June the Council spent a lot of time going over budget issues and coming forward with what they thought would be constructive amendments, that she wanted to talk about the amendment they passed to address the Fiscal 2006 year with a zero based budget, that she had brought it up before and did not understand exactly where they were, that she was hearing two things, that there might be a different interpretation of what zero based meant so she would like for someone to tell her what the City's definition of that was, and also since department heads reported directly to the Mayor she wanted to know exactly what their charge was and what direction the Mayor was giving them for them to comply with the amendment and to bring the zero based budget forward. Council Members Goldberg, Wiseman, Khan, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that as to the hotels, when he and Mr. Walsh learned the status of the hotels and began having some communication with the first lien lenders he asked for a report on the status of the hotel, that there had been a change in personnel and they had taken the novel idea of appointing three people who knew the hotel business to the Hotel Corporation Board so they had three people without conflicts of interest who had deep experience in the hotel business and he had asked them to work with the City to work it out and the goal was to protect the taxpayers interest, that they would give a report to the Council Members on the hotel loans. Council Members Goldberg, Wiseman, Khan, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that on the zero based budgeting, as he both had experienced it and reviewed the literature on public finance, they could waste a whole lot of time, he thought the idea was that they ought to look at every expenditure and not make presumptions that were not unreasonable as a good idea, that he wanted to do something that was meaningful like holding up Mr. Dadoush and how he went through the organizational chart, position by position, as a model for what they wanted, and Council Member Holm stated that she would like for them to evaluate every step and build what they needed in order to operate in a fiscally responsible manner as opposed to assuming they had x amount of money and how they wanted to spend it. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Holm stated that Fire Station No. 83 opened its doors at 6:30 a.m. today, that it had been a long and overdue process and a welcomed new station for west Houston. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado stated that she wanted to thank Mr. Dadoush and his department, that they had been working with her office and had been touring fire stations in her district, that a lot of the renovations that had been on hold for many years were finally being done. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado stated that she wanted to thank the paramedics who went out to the home of Mr. Frank Black, who was a constituent of hers in Eastwood, he suffered a stroke last Friday and paramedics from Fire Station No. 18 and other stations came to his home and he credited them with saving his life. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado stated that she wanted to give a special thanks to Academy who stepped up to the plate yesterday, that Denver Harbor Little League had a break in and some equipment for their baseball little league team was stolen and Academy had donated and replaced the equipment and even added to it. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado stated that tonight they would have their CIP meeting at the Magnolia Multi Service Center at 7:00 p.m. and they invited the public. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

There being no further business before Council, the City Council adjourned at 12:27 p.m. Council Members Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary