

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 6, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Ronald C. Green and Michael Berry; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present. Council Member Shelley Sekula-Gibbs, M.D. out of the city on personal business

At 1:47 p.m. Mayor White stated that Council would begin with presentations and called on Council Members Alvarado and Garcia. Council Member Alvarado invited Lieutenant J. A. Barrera, Officer Pedro Jaloma and Sgt. T. J. Salazar to the podium and stated that the officers were to be recognized for their outstanding work. Council Member Garcia stated that he was honored to personally know all three and it was a privilege to recognize them. The Council Members presented each officer with a Proclamation proclaiming January 13, 2004, as "Hispanic Officers of the Year Day" in Houston, Texas. Council Members Goldberg and Ellis absent.

Council Member Garcia introduced members of the Guatemala media who were present and asked that they stand to be recognized. Council Members Goldberg and Ellis absent.

Mayor White stated that on behalf of everyone on his side of the table he wanted to thank the officers for the work they did. Council Members Goldberg and Ellis absent.

Council Member Alvarado stated that they had a special presentation to make to the Texas Legislative Internship Program started by Senator Rodney Ellis and Council Member Green stated that those they were to recognize were not present but they would recognize them for their hard work and Senator Ellis for his hard work in placing them. Council Members Goldberg and Ellis absent.

Mayor White stated that a group of students with the Post Oak Montessori Middle School were present and asked that they stand to be recognized. Council Members Goldberg, Ellis and Berry absent.

At 1:56 p.m. Mayor White called the meeting to order and Council Member Edwards led all in the prayer and pledge of allegiance. Council Members Goldberg and Berry absent.

At 1:57 p.m. the City Secretary called the roll. Council Member Sekula-Gibbs out of the city on personal business. Council Members Goldberg and Berry absent.

Council Members Ellis and Wiseman moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Members Goldberg and Berry absent. MOTION ADOPTED.

At 1:58 p.m. Mayor White asked the City Secretary to begin calling speakers.

Ms. Deborah Elaine Allen, 1122 Sol Street, Houston, Texas 77029 (no phone) had reserved time to speak but was not present when her name was called. Council Members Goldberg and Berry absent.

Ms. Emmaline Wiley, 14100 Del Pap Street, Lot 63, Houston, Texas 77047 (713-434-0664) had reserved time to speak but was not present when her name was called. Council Members Goldberg and Berry absent.

Ms. Kenya Quori, 10225 Bissonnet #1175, Houston, Texas 77036 (713-777-4664) appeared, presented information to Council Members and stated that she was CEO of Herman

and Wilber's Tinker Shop, Inc., located in Houston; that in December 2003 there were 11 deaths caused by fire with one being because a woman could not find the key to her burglar bars and she would like that to never happen again and was introducing the automated bar release system which was a device that automatically opened burglar bars when smoke or carbon monoxide was detected and it was supplied with a battery backup device and the unit could attach itself to 10 windows; and she had supplied a comprehensive package to the Fire Department in hopes of their endorsement and had no response. Council Member Berry absent.

Upon questions by Council Member Galloway, Ms. Quori stated that people who already had burglar bars could use their product and eliminate the lock and key. Council Member Berry absent.

Mayor White stated that Chief Simms was not present, as he understood she wanted a response as to whether or not the City would endorse her product and he was not sure of the policy but a citizen was entitled to a response and he would make sure someone did respond to her one way or the other and would request the appropriate follow-up be made by her, preferably by phone call. Council Member Berry absent.

Mr. Steve Rumel, 7008 Long Point Road, Houston, Texas 77055 (713-956-2400) appeared, presented information and stated that he owned a small business in the Spring Branch area and leased a building about three years ago; that Planning and Development/Code Enforcement requested them to purchase an occupancy permit which they did and sent a report back on the building deficiencies; that they sent the report to their landlord and they can not get them to reply and bring the building up to code which keeps them from getting their occupancy permit; that the City told him if he did not purchase another permit they could be cited with fines from \$250.00 to \$2,000.00 daily; that the ordinance placed the responsibility on the tenants and he was requesting the Mayor and Council look again at that ordinance and have the owners made responsible for assuring their properties and buildings were safe and up to code by purchasing inspections before the lease was signed and then if changes were needed the tenants would be responsible for pulling proper permits. Council Member Berry absent.

Council Member Goldberg stated that he did sympathize with his situation and would like to work with him and see what could be done; and upon questions, Mr. Rumel stated that nothing in the lease said he was responsible for bringing the building up to code and nothing saying the landlord should; that it did say he as the tenant had to keep plumbing in working order. Council Members Garcia and Berry absent.

Council Member Lawrence stated that her office did contact Legal and the Council Members appreciated him coming and they and the Mayor would be looking at his problem as a small business and trying to remedy them and someone in her office would be getting back with him. Council Members Garcia and Berry absent.

Mayor White stated in following Council Member Lawrence's comments and a good constituent service done out of her office and his notification he was told the owner would be contacted today; that did not mean anyone would get a certificate of occupancy but that was the timetable for their follow-up. Council Members Garcia and Berry absent.

Mr. Joseph Omo Omuari, 2820 Palm #2B, Houston, Texas 77004 (no phone) appeared, presented information to the Mayor and Council Member Ellis and stated that he had a small business proposal which he presented to the City in 2001 and wanted to present it today again; that it was a children's event program which would help at least 10,000 children in the Houston area; that it would give avenues to seek fine arts in the Houston area while stimulating money and cut the deficit and he hoped the Mayor would look at it and get back with him. Council Members Wiseman, Garcia and Berry absent.

Mayor White stated that former Council Member Jew Don Boney was present and he did want to recognize him. Council Members Wiseman, Garcia and Berry absent.

Mr. Johnnie McFarland, 1900 N. Loop West #540, Houston, Texas 77018 (832-641-2101) appeared and stated that he was vice president of the Fraternal Order of Police, Lodge #109 and was present to ask that a management change be made at the Houston Emergency Center and that a full audit or investigation be made of the center from its inception; that he had come to Council before regarding technical, operational and personnel issues and they felt management had not addressed them and that they affected the quality of safety for the public and officers in the City of Houston and they would like an investigation as to why the problems occurred and why they were not addressed; and they felt they were not prepared for terrorist attack or the Super Bowl. Council Members Wiseman, Garcia and Berry absent.

Council Member Edwards stated that this was an issue she and Council Member Parker and others had looked at for over one and a half years, they met with dispatchers time after time and the center continued to be a problematic issue and she encouraged the Administration to take strong leadership and see what was going on and how to best remedy it. Council Member Berry absent.

Mayor White stated that he appreciated Council Member Edwards comment and he and the Chief Administration Officer and perhaps another person or two on his staff would undertake to meet with those working in the center and talk through the issues; that he did like his analogy of team and all did need to work on the same team and it was a responsibility of management and everyone who worked there and they would either get a new coach, new team or both; and thanked Mr. McFarland for bringing it to their attention. Council Member Berry absent.

Mr. Tim Dale, 20717 Harvest Hill, Houston, Texas 77073 (281-443-7580) appeared and stated that Houston could become a World Class City with World Class Neighborhoods, but was asking the Council to control the noise pollution at Bush Intercontinental Airport; that in 1990 every morning at 8:17 a.m. a jet would accelerate straight away from his home and he accepted it, but in the past 24 hours he and his family were impacted adversely at night by 10 flights; that the City of Houston had within its power the ability to change the way the control tower operated to minimize noise pollution and it was known as noise abatement procedures and 300 other airports in the US had those procedures; and he requested that they adopt those procedures to help thousands of residents. Council Member Berry absent.

Mayor White stated that he did appreciate Mr. Dale bringing that to Council's attention. Council Member Berry absent.

Council Member Edwards stated that she had seen civic club meetings regarding that several times and she knew in San Diego planes could not land after a certain time and she knew it was something to deal with and encouraged the Administration to refer it to committee; and Mayor White stated that his intention was to have by the end of the week a committee responsible and assign it to them. Council Member Berry absent.

Council Member Galloway stated that there was an abatement program in the district she represented and someone from his area had come to Council recently, but they had no program for the area in the county. Council Member Berry absent.

Mayor White stated that he received a briefing on this and he may ask questions to the Director of Aviation tomorrow; that the Director said there were changes and controls that were being implemented, but were some issues with both wind direction and increased use of the runway; that his questions regarding the noise abatement program were worthwhile and he did not want to over promise what could be done but that would be repeated and he would ask members of his staff to take note. Council Members Quan and Berry absent.

Council Member Alvarado stated that she and Council Member Green had a special presentation and invited the interns of the Texas Legislative Internship Program to the podium. Council Member Alvarado stated that they recognized the group earlier but they had been detained and they wanted to present them with their proclamations. Council Member Green stated that Senator Rodney Ellis started the program and the proclamation gave them kudos for their work and proclaimed January 13, 2004, as "Texas Legislative Internship Program Day" in Houston, Texas. Council Member Alvarado invited former Council Member Boney to the podium for the picture. Council Members Goldberg and Quan absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Goldberg and Quan absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas (77052-4373 (713-203-7738) appeared and expressed his personal opinions until his time expired. Council Members Goldberg, Garcia and Quan absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 had reserved time to speak but was not present when his name was called. Council Members Goldberg, Garcia and Quan absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and expressed his personal opinions until his time expired. Council Members Goldberg, Garcia and Quan absent.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-428-2924) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Garcia and Quan absent.

At 2:38 p.m. upon motion by Council Member Wiseman, seconded by Council Member Alvarado City Council recessed until 9:00 a.m., Wednesday, January 14, 2004. Council Members Goldberg, Garcia and Quan absent.

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

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 14, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, M. J. Kahn, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Ronald C. Green and Michael Berry; Ms. Susan Taylor, Acting City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office and Ms. Marty Stein, Agenda Director, present. Council Member Addie Wiseman absent due to being ill. Council Member Shelley Sekula-Gibbs, M.D. out of the city on personal business.

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

At 9:05 Mayor White reconvened the meeting of the City Council and stated that the first order of business was a public hearing. Council Members Lawrence, Galloway, Goldberg, Edwards, Garcia and Berry absent. NO QUORUM PRESENT

HEARINGS

1. PUBLIC HEARING regarding the proposed realignment of a portion of the Sanitary Sewer lines through Glenbrook Park Golf Course by the Public Works Department - **DISTRICT I - ALVARADO - 9:00 A.M.**

The City Secretary stated that no one had reserved time to appear at the hearing and Ms. Katherine Farley, Assistant City Attorney, Legal Department, would make some statements

concerning the area. Council Members Goldberg, Garcia and Berry absent.

Ms. Farley stated that they were present to have a public hearing about the proposed realignment of the portion of the sanitary sewer easement through the golf course at Glenbrook Park, that the Public Works Department was planning to replace old sanitary sewer lines and redo the Gulf Freeway Number Two Lift Station and in connection with that project they would like to increase the size of the sanitary sewer lines going through the park with larger lines to relieve the current undersized lines, that the project would abandon the exiting lines in place and those existing lines were in approximately 48,000 square feet of land and the new lines would only require about 26,000 square feet of land, but it was all located in the park property, that Chapter 26 of the Parks and Wildlife Code required that before they could use park property for any non park purpose that there be a public hearing and City Council determine that there was no feasible and prudent alternative to the use and taking of that park property for the project and that the project had taken all reasonable planning to minimize the harm to the park, that Mr. Jack Sakolosky from the Public Works Department would present the evidence on behalf of the Public Works Department about why they needed the land and Mr. Mark Ross of the Parks Department would follow up with the comments from the Parks Department. Council Members Goldberg, Garcia and Berry absent.

Mr. Sakolosky stated that the brochure that had been prepared for the public hearing included four exhibits, that Exhibit B described the project location, Exhibit C was the project drawing and Exhibit D provided a legal description of the proposed corridor through the park and Exhibit E was a summary of measures that would be taken to minimize impacts to the park, that the project came from their Neighborhood Sanitary Sewer Rehabilitation Program and was scheduled to advertise in March 2004 and the estimated construction cost was approximately \$4 million, that the project was located approximately seven miles southeast of downtown, essentially at the intersection of I-45 and Sims Bayou and just to the east of Sims Bayou was Glenbrook Park, the proposed project really abandoned a sewer line which dissects the park. Mr. Sakolosky continued to describe the project referencing the Information Brochure for the public hearing. Council Member Garcia absent.

Mr. Mark Ross, Acting Deputy Director, Parks and Recreation Department, stated that they understood the need for the project for the Public Works and Engineering Department and really did not have any objection at all, their only concern was the daily operation of the golf course and concern about the pool but had been assured that should not be a problem or cause a hindrance so they were in support of the project. Council Member Garcia absent.

Upon questions by Council Member Alvarado, Mr. Sakolosky stated that certainly there would be some disruption along Glenview, which was primarily the street where the construction would take place, there would be traffic control plans and one lane would be maintained for traffic at all times, that they would be meeting with the Parks Department to try to minimize those impacts, and Council Member Alvarado stated that she would suggest that some type of notice be given to the residents in the immediate area with a contact name and number for the parties responsible and a tentative time line as well. Council Members Lawrence and Garcia absent.

Council Member Alvarado moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business.

MAYOR'S REPORT - Briefing on issues relating to Terminals C and E at Bush Intercontinental Airport

At 9:14 a.m. Mayor White stated that they did have a report, that Council Members would recall their discussion last week concerning the accounts of the back up and delays in connection with Terminal E and the walk and parking and the problems that had occurred and

had asked the Director of Aviation to make a report to them concerning the matters that were commented on by citizens and reports. Council Member Garcia absent.

Mr. Richard Vacar, Director, Aviation Department, stated that it was in response to some issues that were raised by Council Member Edwards with respect to signage conditions and walks at Bush Intercontinental Airport, that they always did apologize for unusual conditions at the Airport and they had been in construction with the International Services Program for about three years worth and had moved the road around several times and the overhead signs that most people were accustomed to looking at could not be put in because of construction but would be there eventually and about a year from now, he thought, things would be a lot better but they did take another fresh look at what their sign program was last week and had some before and after of signs that he believed were on the news story. Mr. Vacar reviewed a slide show titled "Roadway Signage Improvement Program", a copy of which is in the City Secretary's Office for review. Council Members Goldberg, Garcia and Alvarado absent.

Upon questions by Council Members, Mr. Vacar stated that if they were departing from Terminal E they could go into Terminal C or could go into the terminal from the garage location, however the ticketing for Continental mainline was in Terminal C, that Continental had cart service for the disabled and would be adding carts so that would help in the interim, that the train underneath would not help because it was an non secured train, it would get them between buildings but they still had to go through the security process, which had to be done out of the terminal buildings, that if they were carrying their bags with them and already had a boarding pass they could enter through the C garage, but if they needed to check bags they had to go through Terminal C, that the longest walk that he thought they had to deal with right now was if they were at the extreme eastern end of Terminal E and were going to the extreme northern gate at Terminal C that was about 15 to 20 minutes, depending on how fast they walked, if they went in a cart it would speed the process up a bit, that they would have additional facilities in place a year from now to mitigate some of that, that the other thing that Continental was doing was where they had a lot of connections between different kinds of flights they did try to operate the flights out of gates where the distances were less extreme, that Terminal C and E was the bulk of the mainline operation for Continental Airlines, but they still used Terminal D for arrivals of international, but about a year from now the great bulk of the activity would be between Terminal C and E, less so in D and then Terminal B had turned into a Continental Express type operation, that Continental intended to use Terminal E for its international arrivals, 767's and the longer range airplanes, that Terminal D would continue to be used by the foreign flags, like Air France, KLM and Luftansa and the like, that it was kind of bad to make a guess as to how many people made the long walk, but they did have a fair number of connections from the international arrivals to domestic, but he would rather get Council Members some specific numbers rather than just guess, that what would help with the long walk, there were bridges that went from Terminal E across the road into the new FIS Building and bridges that went into Terminal D, those would provide a short cut over to Terminal Link, which would be operating on the north side of the FIS Building so they could walk over to there and get to Terminal C or B, that the moving sidewalks, which were going to be installed would help the process as well, that if they had the ability to go through the FIS Building to get to Terminal Link they would shave off approximately 1,000 feet off of the longest walk, that they would be educating the public on their website and would also have brochures available, what was going to be neat about it when finished if they were going Terminal D they could actually get onto a **heelixle** that they could get across the roadway and get into a garage right there, if they went to Terminal E there would be a garage right there, the Terminal C garages would have less pressure on them and as they knew between Terminal A and B they had a huge garage right now, that he thought the overall parking situation would be much improved, the signage would be a lot easier when they got back to using the overhead signs that people were looking for, that it would be next January; that when they have problems with security, which was TSA, they did talk to them on a daily basis and also when they got complaints they passed it on to them, that when it got to Wakenhut, they worked for the City so when they had rude incidents they tried to take care of them, they tried to encourage everybody to smile and the like, that they were hiring people to do

their roadside sort of traffic management and they would be working directly for the Aviation Department and they would be given all sort of customer service type skills, that as to cars being vandalized in the parking garages on every project they were doing they were adding fiber optics so they could get more surveillance, they did have surveillance cameras in the garages but not enough of them to cover the whole area, the garages were huge, that beyond police reports, having some record of what was going on the garage floors was kind of important so they were doing the technology to record those kind of events, not necessarily to see every event but to be able to see who was in there on any particular time, they were working on it, that the international services project was to be completed a year from now, but there were other projects that would still be going on, that until they got the ability to occupy the Federal Inspection Services Building they could not use portions of it, that as to the Super Bowl, principally what they were focused on trying to have a lot of meet and greet people that can help people understand where they were and where they needed to go, that each Thanksgiving and Christmas they handled that volume of passengers so the passenger number was not going to be a particular problem for them, that they had been working real closely with the Super Bowl Committee and would have a lot of volunteers there and a lot of Airport staff that would be in the terminal buildings to help, they would have a lot more people out on the roadways and would have special procedures to deal with all of the buses and all of the limousine traffic which was going to be there and would be considerable, that as to the mounted safety patrol at the Airport, they had about 80 some applicants and were doing background checks and were letting the law enforcement community ride out there currently, they expected they would have several hundred people in the program within a couple of months, the trails would be completed within a couple of months and thought it would be a very good program, that it was a good community thing but also a real security benefit for them. Council Member Goldberg absent.

Mayor White stated that originally the new FIS Terminal was scheduled to be open in June 2004 and now they would open in January 2005 and Mr. Vacar stated that January 15 2005 was their target date, that actually they could occupy the building for purposes of what they called "burning in" in November 2004 and would open in January 2005, and Mayor White stated that he wanted to highlight the emphasis they put on having no more delays in the project because in part the length of the walk it was six months more of walking that people had to do, and in examining the critical path one of the delays was occasioned by some redesign after September 11th and there were other delays, that he hated to put Mr. Vacar on the spot, that they hired a contract manager for the project and asked Mr. Vacar if he had any idea how much money they had been paid, and Mr. Vacar stated that it was in the neighborhood of \$80 million, and Mayor White asked how had the compensation changed as a result of the delays and Mr. Vacar stated that it had increased, and Mayor White stated that was in part because they were paid on an hourly basis and Mr. Vacar stated that was correct, and Mayor White stated that there was something wrong with that picture and he was going to do everything within his power as the City Chief Administrative Officer and all within any relative departments, that he did not like it and they were going to change and that meant a change in contracting practices, that there were some things that were unavoidable but that was what they called business and life and stuff like that where people built that in and they assumed those risks and he did not like the fact that the risk had been borne by the City, they were talking about the future of the City not the past and were going to be proud of the new Airport facility and was very proud of the City for having a first class facility, but every penny was important, that on the issue of customer service he knew that the walk might seem like a small thing and the signage and the appearance of the restrooms and the demeanor of people at the parking lots and security and were all part of the impression that was created of the City, that a lot of businesses used customer surveys to grade the various aspects of the service and how they evaluated those and asked Mr. Vacar if they had done that, and Mr. Vacar stated that they had done several but had not done any since the main construction had gone on largely because it was very disruptive, but it turned out that the Convention and Entertainment Department was doing on within the next couple of weeks, but were doing on their own so they were going to have recent data, that their goal was after the new facility opened was to bring a contractor on to actually do a comprehensive passenger satisfaction survey; and Mayor White asked Mr. Vacar about the comment that someone made

at the public session yesterday concerning the landing of large freight aircraft and the impact on adjacent neighborhoods, and Mr. Vacar stated that the new cargo area was on the northeast side of the Airport and they had two runways that were readily available and because pilots liked to save time and fuel they had a tendency to request takeoff from the closest point so that meant taxiing up and taking off toward the west and he believed the person present at public session yesterday was from a community that was just off the end of the runway, that they were working with the FAA and in fact had a letter going out to the FAA this week to discourage the use of that runway, to go to the north south runways, which were their principal departure runways, which meant a much longer taxiing but would mean a lot less impact on the neighborhoods, that was something that he was willing to implement, that they did have powers but did not control the airplanes, they were federally preempted, but he did have the ability to close runways, if necessary, to accomplish it, but he would rather not do that and would rather work with the FAA and the cargo community to avoid the problem. Council Members Galloway and Garcia absent.

Mayor White stated that he wanted to thank the Director of Aviation for a very thorough presentation and the probing questions by Council Members. Council Members Galloway and Garcia absent.

Mayor White stated that they would now move to the Consent Agenda.

CONSENT AGENDA NUMBERS 2 through 25

The City Secretary stated that on the Consent Agenda, under the Miscellaneous category, all items had been removed for separate consideration.

Council Member Edwards moved to suspend the rules to consider Item No. 20 out of order, seconded by Council Member Lawrence. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. Council Member Galloway absent. MOTION 2004-0041 ADOPTED.

20. ORDINANCE appropriating \$750,000.00 out of Homeless and Housing Consolidated Fund and approving and authorizing agreement between the City of Houston and **CLOUDBREAK HOUSTON, LLC** to Finance a portion of the costs to Renovate the former Days Inn Hotel located at 4640 Main Street, Houston, Texas, to house low and very-low income veterans and HIV/AIDS affected persons by providing: (1) a Performance-Based Grant in the amount of \$2,800,000.00 funded from the appropriated funds and from Federal "HOME" Funds; and (2) a loan in the amount of \$500,000.00 funded solely from Federal "HOME" Funds - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0015 ADOPTED.

ACCEPT WORK - NUMBERS 4 through 7

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$409,790.16 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Construction of Safe Sidewalk Program, GFS N-0610A-C1-3 (SB9049-1) - 04.88% over the original contract amount - **DISTRICTS C - GOLDBERG and D - EDWARDS** – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0042 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$470,705.18 and acceptance of work on contract with **WINDSOR CONTRACTING, LLC** for Construction of Safe Sidewalk Program, GFS N-

0610A-T1-3 (SB9048-3) - 06.54% under the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY and H - GARCIA** – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0043 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,208,756.59 and acceptance of work on contract with **STEVEN R. HILL CONSTRUCTION CO., INC** for Allen's Landing Redevelopment Site Development - Task Two, GFS N-0669-02-3 (N-0669-02) - 06.36% under the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0044 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,225,625.41 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** and **PM CONSTRUCTION & REHAB, L.P. - A Joint Venture**, for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-87-3 (4257-20) 01.99% under the original contract amount – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0045 ADOPTED.

PROPERTY - NUMBERS 9 through 12

9. RECOMMENDATION from Director Department of Public Works & Engineering for consent by the City Council for the sale of Real Property held by Huffman Independent School District, as a result of a Tax Foreclosure identified as Parcel CY3-002, located on Logan Lane between Ramsey Road and Page Lane - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0046 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcels DY2-033 and DY2-033A, located in the 2800 block of Fox Street, owned by Wilmer Apartments, Limited Partnership, Timothy Hagerty, General Partner, for the **NORTH VELASCO LIFT STATION REPLACEMENT PROJECT**, CIP R-0267-06-2 - **DISTRICT H - GARCIA** – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0047 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KY3-144, located at the southwest corner of IH-10 and North Eldridge Parkway, owned by Memorial Hospital System, a Texas nonprofit corporation, for the **IH-10 WATERLINE EASEMENTS PROJECT from Clarborough to Red Haw**, CIP S-0900-AS-2 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0048 ADOPTED. (Note: Council Member Edwards later in the meeting stated that she meant to vote no on Item No. 11)

12. Omitted

ORDINANCES - NUMBERS 13 through 25

14. ORDINANCE ordering and setting a public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed permanent use of approximately 100 acres of land out of Keith-Wiess Park by Harris County Flood Control District for Flood Control and Mitigation Purposes; authorizing and directing that notice of such hearing be given, stating in substance the form of such notice; finding and stating other matters generally relating thereto **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0016 ADOPTED.
18. ORDINANCE approving and authorizing contract between the City and the **HOUSTON GALVESTON AREA COUNCIL (HGAC)** for Water Quality Sampling and a Bacteria Die-Off Study for E-Coli Levels - 2 Years - \$130,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0017 ADOPTED.
23. ORDINANCE appropriating \$1,119,500.00 out of Airport System Consolidated 2001 AMT Construction Bond Fund; authorizing the purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections One and Two, McAuley Survey, A-577, and Hartland Acres, W.C.R.R. Co. Survey, A-935, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport; CIP A-0476-06.1; approving Purchase and Sale Agreements with the owners of the land (Teresa Gibbs; Billie Jeanne Harper and Jessie R. Harper; Ignacio L. Ramirez and Ofelia G. Ramirez; and Rufuge Temple Ministries, Inc.) **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0018 ADOPTED.
24. ORDINANCE appropriating \$940,828.00 out of Airport System Improvement Fund; authorizing the purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections One and Three, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport; CIP A-0476-15.1; approving purchase and sale agreements with the owners of the land (Leodegario Alquicira and Caritina Alquicira; Bertha Romain Hardt Barski; Hugh A. Franz 1986 Children's Trusts and H. A. Franz Family Trusts; Frank Hurtado and Laihar Hurtado; Guido Weiss and Lupe Maria Weiss; W. L. Y., L.P.) **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0019 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Fire Chief for Extension of Injury Leave for **ROSA ARENAS** – was presented, moved by Council Member Galloway, seconded by Council Member Alvarado.

Council Member Quan stated that one of the continuing problems they had was when Police and Fire, when they asked for leaves of absence, the Council often got the request several months after the person had come back to the job, that he was happy that Ms. Arenas was able to come back to work but it was four months late so he would just ask the Mayor to make it a point to ask Police and Fire to be timely in those requests, and Mayor White stated that they would pursue it.

A vote was called on Item No. 2. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0049 ADOPTED.

3. RECOMMENDATION from Director Department of Solid Waste Management authorizing transfer of the remaining Funds from the Solid Waste Special Revenue Fund 233 to the General Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Galloway.

Council Member Quan stated that he was happy to see the item with \$308,000 going back to the General Fund and was sure there were many worthy causes that they could use the funds for but of concern was in their last Fiscal Affairs meeting the opening of the pools not until July had been a big issue that they had be looking at and the delaying of Police Classes so as they looked at money coming back to the General Fund he hoped the Mayor would take those issues into consideration, and Mayor White stated that he understood and thanked Council Member Quan.

A vote was called on Item No. 3. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0050 ADOPTED.

ACCEPT WORK

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$291,399.57 and acceptance of work on contract with **ENVIRONMENTAL ENGINEERS AND CONSTRUCTORS II, LTD.** for Dairy Ashford No. 5 Lift Station Rehabilitation, GFS R-0267-73-3 (4276-33) - 04.09% over the original contract amount **DISTRICT G – HOLM** – was presented, moved by Council Member Garcia, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0051 ADOPTED.

ORDINANCES - NUMBERS 13 through 25

13. ORDINANCE approving and authorizing the submittal of an application to the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL** for the City's HIV Prevention Activities (the "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's Representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - 5 Years - \$6,180,327.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0020 ADOPTED.
15. ORDINANCE amending Ordinance No. 2003-1247 for the limited purpose of approving and authorizing a modified contract between the City of Houston and **YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA** to allow for the Operation of an After School Achievement Program at Grissom Elementary School located at 4900 Simsbrook, Houston, Texas, rather than at the W. Orem YMCA located at 12256 Zavalla Street, Houston, Texas, as previously authorized - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0021 ADOPTED.

16. ORDINANCE approving and authorizing contract between the City and **JEWISH COMMUNITY CENTER OF HOUSTON, TEXAS** for Nutrition and Transportation Services for the Elderly; providing a maximum contract amount - 4 Years - \$1,919,565.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0022 ADOPTED.
17. ORDINANCE approving and authorizing contract between the City and **TEXAS SOUTHERN UNIVERSITY** for Caregiver Education and Training Services for the Elderly; providing a maximum contract amount - 4 Years - \$375,000.00 - Grant Fund – was presented.

Council Member Ellis stated that he was in favor of the item but in doing some research they found out that the University had over 70 delinquent accounts, that he understood that they did not have to pay taxes and asked Ms. Susan Taylor, Acting City Attorney, if that was true, and Ms. Taylor stated that was correct, and Council Member Ellis stated that what he was assuming was that they went out and purchased some properties that owed delinquent accounts and did not clear up those accounts at that time.

Ms. Taylor stated they had not researched the specific accounts he was talking about but the State of Texas could not owe taxes to the City and they could not have imposed it so they assumed that those tax burdens were on there prior to the acquisition by Texas Southern, and Council Member Ellis stated that on that property there were \$5,000 worth of taxes owed and why were they not subtracting that from the price of the property, and Ms. Taylor stated that was the typical practice and should be happening but for what ever reason that apparently did not happen, that they had occasionally found that the records were actually incorrect and a payment perhaps had not been recorded, but most often it was a matter that the taxes were not paid at closing for whatever agreement was made between the seller and Texas Southern, and Council Member Ellis asked if Texas Southern sold the property would the City recoup, were their penalties in place, and Ms. Taylor stated yes, that there were two things that were possible, even during the ownership by Texas Southern there was the opportunity to pursue the prior owner in the personal obligation standpoint, they continued to have a personal obligation for the prior taxes and they could pursue them individually but not against the property, if the property was sold by Texas Southern those taxes remained an obligation of the property and they would be able to collect them from a subsequent purchaser at that point, but they could not enforce a tax obligation against Texas Southern while they were owning the property.

A vote was called on Item No. 17. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0023 ADOPTED.

19. ORDINANCE appropriating \$200,000.00 out of Low Income Housing Fund 162 and adopting Guidelines to establish a Voluntary Visitability Program to provide incentives to developers of Affordable Housing to Implement the Design Specifications of Ordinance No. 2003-1239 – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0025 ADOPTED.

Council Member Quan stated that he wanted to thank the Council Members for the item, it was something they had been working on for a long time on visitability and the \$200,000 would hopefully encourage more builders to build those visible features in low income housing.

21. ORDINANCE approving and authorizing contract between the City of Houston and **CAREER AND RECOVERY RESOURCES, INC** providing up to \$150,716.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds, which sum includes a limitation of additional funding in the amount of \$75,358.00, for the Operation of a Computer

Literacy Training Program along with supportive services – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0025 ADOPTED.

22. ORDINANCE approving and authorizing amendment No. 1 to the Timber Sale and Clearing Agreement between the City of Houston and **STETSON LOGGING, INC** at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0026 ADOPTED.
25. ORDINANCE approving and authorizing amendment No. 1 to Contract No. C50015 between the City of Houston and **WACKENHUT CORPORATION** for Security Guard Services at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field - \$4,688,006.43 Enterprise Fund - **DISTRICTS B - GALLOWAY and E – WISEMAN** – was presented, and tagged by Council Members Edwards, Quan, Berry, Garcia, Green and Galloway.

Council Member Berry stated that he would request that Wackenhut visit with him as he had some questions for them and had a question for the administration with regard to how they were using their officers strategically and to what extent, and Mayor White stated that they would follow through with Council Member Berry on that.

Council Member Quan stated that he would also like to meet with them, that he knew they had been behind on their goals on Affirmative Action and that was a concern they had, that hopefully they could catch up.

Council Member Garcia stated that those were his concerns, that he had noticed on several contracts that had come before the City Council that the MWBE goals were either just being met, that it looked like they were just barely making those goals, and then he would like to discuss with the Mayor a possible policy change on how they would structure the contracts in the future so they would know what was sincerely being approached by folks they were doing business with.

Council Member Edwards stated that those were her concerns as well and knew they had received a letter earlier from the organization and also from Ms. Velma Law regarding their efforts to try to do better, but she thought they needed to have some serious discussions.

Council Member Green requested that his tag be added to the item also, that he would like to be briefed on meeting the MWBE goals.

Mayor White asked Mr. Hall to think how they could coordinate some kind of presentation dialog so they could knock out some of the questions and get the benefit of Council Members, that he found in his dealings as Deputy Secretary of Energy they had hundreds of millions of security contracts and he found it very beneficial to find a cost per normal eight hours of FTE compared to other alternatives that were available and request Mr. Hall, on behalf of the administration, in addition to the questions posed by Members of Council, request that the kind of information, in cooperation with Aviation, he wanted one metric that the Mayor would be particularly sensitive to.

Council Member Galloway requested that her tag also be added to Item No. 25.

NON CONSENT AGENDA - NUMBER 26

PROPERTY

26. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Lillie Gilbeaux, Fort Worth District of the U. S. Army Corps of Engineers, on behalf of the United States of America (Bobby J. Camp, Assistant Chief of Real Estate), for abandonment and sale of Perimeter West Drive, located between Restricted Reserves B and C, Perimeter Park Subdivision, Parcel SY4-015 **APPRAISERS - DISTRICT A - LAWRENCE** – was presented.

Council Member Lawrence stated that she wanted to nominate Mr. Gary Meyer and Ms. Sheila Stewart as appraisers and moved approval of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0052 ADOPTED.

MATTERS HELD - NUMBERS 27 through 35

27. MOTION by Council Member Sekula-Gibbs/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **PRIME MATERIALS & SUPPLY CORP.** for Asphalt Emulsion for Various Departments - \$909,952.65 - General and Enterprise Funds – (**This was Item 15 on Agenda of January 7, 2004, TAGGED BY COUNCIL MEMBERS ELLIS and QUAN**) – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0053 ADOPTED.

28. ORDINANCE appropriating \$56,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Midtown Fund No. 98E and approving and authorizing first amendment to development agreement with **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to provide \$56,000.00 of additional funding for Lead Abatement Costs related to nine affordable rental units - **DISTRICT H - GARCIA - (This was Item 18 on Agenda of January 7, 2004, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0027 ADOPTED.

29. ORDINANCE approving and authorizing amendment No. 1 to the Airport Advertising Concession Agreement between the City of Houston and **JCDECAUX AIRPORT, INC** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - **DISTRICTS B - GALLOWAY and I - ALVARADO - (This was Item 21 on Agenda of January 7, 2004, TAGGED BY COUNCIL MEMBER ELLIS and HOLM)** – was presented.

Council Member Goldberg moved to postpone Item No. 29 for two weeks, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. MOTION 2004-0054 ADOPTED.

30. ORDINANCE amending Ordinance No. 99-0072 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and **INFRASTRUCTURE SERVICES, INC** for Sweeping Services for Public Works & Engineering Department - \$732,335.09 - General Fund – (**This was Item 24 on Agenda of January 7, 2004, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0028 ADOPTED.

31. ORDINANCE appropriating \$275,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract with

METROPLEX INDUSTRIES, INC for Safe Sidewalk Program F0 Project, GFS N-0610A-F0-2 (SB9137); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – **(This was Item 27 on Agenda of January 7, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0029 ADOPTED.

32. ORDINANCE appropriating \$744,703.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C2-3 (WW4277-14); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **(This was Item 28 on Agenda of January 7, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented.

Mayor White stated that there were certain concerns that were brought to his attention by the Council Member who tagged the item and certain other items and they were being pursued, that he did not know the circumstances of this particular case but at least in some preliminary inquiry there was some indication that there was an extremely limited number of firms, that one of the policies of the City of Houston was to have a competitive diversity group of contractors for City services so they got the best possible price, that he wanted the Council Member to know that he had communicated those concerns, and Council Member Galloway stated that she wanted to thank the Mayor for looking into it and for expediting the matter and trying to resolve it, that she appreciated what he had done so far and thanked him for his support, and Mayor White stated that they had not investigated the circumstances to go back and redo what had already been done but knew that the policy going forward he had instructed the Director to take it to heart.

A vote was called on Item No. 32. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0030 ADOPTED.

33. ORDINANCE appropriating \$828,344.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C3-3 (WW4277-15); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **(This was Item 29 on Agenda of January 7, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY and GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0031 ADOPTED.
34. ORDINANCE appropriating \$791,295.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **SHUMAKER-HARVEY EQUIPMENT CO. DBA, SHE-CO.** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C4-3 (WW4277-16); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **(This was Item 30 on Agenda of January 7, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0032 ADOPTED.
35. ORDINANCE appropriating \$768,526.00 out of Water and Sewer System Consolidated

Construction Fund, awarding construction contract to **UTILITY & ENVIRONMENTAL SERVICES, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C5-3 (WW4277-17); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **(This was Item 31 on Agenda of January 7, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Sekula-Gibbs out of the city on personal business. ORDINANCE 2004-0033 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Kahn stated that he wanted to point out that last Saturday they had a cleanup around Reliant Park and it was very kind for the Mayor to be present, it really pumped up all of the volunteers working, that there were 2,000 volunteers cleaning up the area, that he wanted to thank the Mayor for being there and all the City Departments who were there.

Council Member Quan stated that on Thursday the Rotary Club of Houston was having their Fireman of the Year Award at the Intercontinental Hotel at lunch, that 8 outstanding firefighters had been nominated for the award.

Council Member Quan stated that he wanted to commend Mayor White on his new personnel person, his former Chief of Staff.

Council Member Berry stated that one of the requests they had over the years was to know who the principles were that were doing business with the City, that he thought it was important to know for a number of reasons and was a request that he would like to make.

Council Member Berry stated that he wanted to thank Mayor White for the Mayors Report on the Airport.

Council Member Berry stated that one of his frustrations had been that a lot of times he did not get information until they sat at the Council table and could not honestly say that he got an opportunity to read everything he was given, but it was nice to have that information ahead of time, that they would like to have the information before they got to the Council table, that it would help them do their jobs.

Council Member Berry stated that he wanted to comment on Item No. 27, that with regard to the emulsion product, that the product actually held up, that Mr. Eric Dargen, who was the head of the Pothole Program for the City had worked real closely with their office and one of the things they found was that the Roscoe machine, despite some initial hiccups, was working very well, that he though they only had six of those so as they moved forward it was a cost of fewer personnel, a faster product and now that they had seen the product work it turned out that those potholes were lasting over a year, that he hoped that moving forward that would be part of the administration to look at that technology.

Council Member Berry stated that the Stellar Awards were in Houston over the weekend and he wanted to thank everybody who helped them, that it was a wonderful event and they had repeated conversations with the Stellar team and they were going to be back within 10 days to look at returning.

Council Member Ellis stated that he wanted to commend the Mayor for his openness and directness to the Aviation Department, the Director, with regard to construction projects and project managers, that he was glad to see that the Mayor was going to get involved in it and evaluate it and look at the contracts and how they awarded them.

Council Member Ellis stated that he received an email with regard to replacement of

damaged books, that the lady had dropped some books in the water and took them into the library and they said they were damaged and she was going to have to purchase them, that she paid the money and processing fee, that after she had bought the books she wanted to take the damaged books back but it was the policy of the library not to give the books back, that he thought it was a little unfair from the standpoint that she was buying the books that the library required her to buy and they were also charging her a \$10 processing fee so he thought they probably needed to look at some of the policies that were in the different departments.

Council Member Goldberg stated that he wanted to commend the Port Authority, Mr. Jim Edmonds, Chairman of the Port, that last week they settled the biggest lawsuit they ever had, that it was a foreign company that came in and absolutely polluted the port and a lot of the land in the area, that the case had been going on for a couple of years, that they finally reached a settlement of \$100 million, that the law firm that had been working on it for about five or six year, Connley, Baker, Wotring and Jackson and Ms. Debra Baker the lead attorney, that it was a law firm that the City had just started using last year and apparently they were doing great work.

Council Member Galloway stated that the Discovery Channel had a nationwide health fair on Saturday that she attended, that there were over 2,500 people at Willowbrook Mall and many of them were her constituents, that they had a weigh in, that they did it in approximately 90 cities in the United States, that she thought it would be the true weight for the City, that anybody could go on the internet and get the information, that they would be coming back in April and show all the before and after, that she wanted to encourage all of the citizens to get healthy.

Council Member Green stated that he wanted to thank the various City departments who over the last couple of weeks had been participating in the briefings for the new Council Members, that he had found it to be very helpful.

Council Member Green stated that he wanted to commend Council Member Berry along with his entire staff for the good jobs they did on the Stellar Awards, that everyone he spoke with had nothing but high remarks to say about the entire weekend of events, and Council Member Berry stated that he would accept that on behalf of Mr. Carl Davis who did all the work.

Council Member Green stated that this weekend he attend the Martin Luther King Freedom Fund Breakfast put on by the Northeast YMCA Branch, of which Council Member Galloway was on the board, that they did a great job and Council Member Galloway should be commended on the leadership that she provided there.

Council Member Green stated that yesterday they had representatives from Texas Legislative Internship Program who showed up and who would be working throughout various Legislative offices in the City and throughout the County and State, that he wanted to encourage his colleagues at all levels to participate in those programs.

Council Member Edwards stated that the Breakfast Klub had been selected by ESPN and were going to do a commercial that would run during the Super Bowl as to that it was one of the places to hang out and have breakfast, that they were recommended by one of the Houston Texans who went there quite a bit for breakfast, that they had really hung in there, that she wanted to commend Mr. Marcus Davis and his brother Jerry and the staff at the Breakfast Klub.

Council Member Edwards stated that she knew they were going to be going into the budget pretty soon and was not real clear on where they were with the Fire Department and Meet and Confer and how that would or would not have any effect on the budget, and also the Police Department's raise that they had deferred because of the budget issues last year, that if someone from Mr. Hall's office could give her an update on that and if it would have any impact on the budget this year.

Council Member Edwards stated that she wanted to thank her colleagues for their positive

vote on Item No. 20 and also on Item No. 13 regarding the HOPWA Funds for the people with AIDS/HIV in the City.

Council Member Edwards stated that regarding Item No. 11 she meant to vote “no” on the item and if it would be okay with the body she would like to register a “no” vote because she did not think it was a good project, and Mayor White stated that with the consent of Council it could be reflected in the minutes.

Council Member Edwards stated that she wanted to join in with Council Member Ellis and congratulate Mayor White on the remarks made regarding contract management, that it was not the only problem they had in the City, that she liked his style and appreciated it.

Council Member Edwards stated that she wanted to know if they could get information regarding the Super Bowl and what was going to be happening and who was doing what and where and if there were any events that the Council Members needed to be at, and Mayor White stated that they would do it at the Mayor’s Report on Wednesday.

Mayor White stated that the process of the budget process was being finalized, that public safety was the most important function of government, that they had obligations by contract and they intended to be fair within their means and going through the overall goal of getting a contract with the firefighters, that meant there were going to be tough budget choices.

Council Member Lawrence stated that she wanted to thank the Directors, Deputy Directors and the Legal Department for the briefings to her staff and herself, that it had been very beneficial the last couple of weeks.

Council Member Lawrence stated that in District A they had visited six neighborhoods in the last two weeks at night and talked with the people and they had been very complimentary, that the attitude was a big thank you for the Council’s concern for their tax dollars and how they were being watched out for from the Mayor to the City Council Members.

Council Member Garcia stated that wanted to introduce his Chief of Staff, Mr. Geovani Garibay, the Policy and Agenda Director, Ms. Rebecca Reyna and Ms. Rhonda Sauder, Constituent Services Director, that he thought he had put a good team together and wanted to let them know he appreciated their work.

Council Member Garcia stated that his Civic Association, Lindale Park, tomorrow night would be going through a citizens on patrol training with the Houston Police Department, that his neighborhood was taking some matters into their own hands and doing what responsible citizens could be doing and that was organizing and forming a citizens on patrol.

Council Member Garcia stated that to echo some of the concerns that some of the Council Members had mentioned about the Mayor’s perspective on contract management, that he really respected that, that they had done many contracts out of the Anti Gang Office and had taken extremely painstaking steps to get their contracts done and do them on time and perform with them as expected and deliver the services, that in one area that he saw there was great opportunity for improvement was in the MWBE goals and would like to sit down with the Mayor on that issue.

Council Member Galloway stated that in her district, which was part of the Greenspoint area, the Greenspoint Management District got the nod to host the NFL players at the Windham Hotel, that she wanted to compliment all the Greenspoint Management District for their presentation and for their being chosen as the host hotel for the National Football League.

Council Member Holm stated that she wanted to thank Mayor White for his approach to contract management and their awards.

Council Member Holm stated that Sunday was the HP Houston Marathon, that she would be out there supporting and encouraging it and hoped that all the Council Members would be also.

Council Member Alvarado stated that she wanted to have someone visit with her, she had some concerns from some of the managing tenants of the Post Rice Lots and Commerce Towers about the Super Bowl and street closures and having access for the residents to get in and out of their facilities, that they were told that residents would not be able to get in and out of their residents between the hours of 7:00 p.m. and 3:00 a.m. and that posed a big problem for a lot of people.

Mayor White stated that he met with all Council Members concerning particular interests that they had and talked to various Council Members concerning how they thought that the committee system worked and what improvements or refinements, that he would have a chance by the end of business on Friday to discuss with each person who may be a committee chair some of the aspects of the responsibility of the committee, that he may not personally be able to meet with each Council Member concerning each of the committee assignments because in some part that may be reflective of a fluid situation, but they would try to communicate as best they could, that he would welcome and appreciate any comments, that he had asked the Mayor Pro Tem to periodically call on and meet with the Chairs of the committees to determine the delineation of responsibilities.

There being no further business before Council, the City Council adjourned at 10:35 a.m. upon MOTION by Council Member Berry, seconded by Council Member Alvarado. Council Member Wiseman absent due to being ill. Council Member Sekula-Gibbs out of the city on personal business.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary