

City Council Chamber, City Hall, Tuesday, February 24, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 24, 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, Gordon Quan, Shelley Sekula-Gibbs, M.D., 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 Mark Ellis absent on personal business.

At 1:44 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Garcia. Council Member Garcia asked Mayor White and Mayor Pro Tem Alvarado to join him at the Podium and stated that this Saturday would be the 17th Annual Conoco Phillips Rodeo Fun Run and they were expecting 6,000 runners; that anyone could register at Luke's Locker on West Gray and the entry fee went to the Houston Livestock Show and Rodeo Education Fund; invited all present regarding the run to the podium and presented them a Proclamation congratulating them and extending best wishes for a successful event. Council Members Galloway, Goldberg, Wiseman, Sekula-Gibbs and Berry absent.

Council Member Khan stated that Council Member Lawrence was already making a great mark on the City as well as Council and invited Council Member Lawrence and Mr. Dave Jones, who wanted to make the presentation, to the podium. Mr. Jones of the Acres Homes Chamber of Commerce stated that Council Member Lawrence made a giant step by getting on the job right away and presented her a plaque, the "Giant Step" Award. Council Members Galloway, Goldberg, Wiseman and Berry absent.

Council Member Khan stated that Dr. Basheer Khumawala was a professor of business at the University of Huston and was joined today by his wife and many others as he was being honored for all he had done in the City of Houston, particularly in education and interfaith efforts and invited he and his wife to the podium. Council Member Khan presented Dr. Khumawala a Proclamation recognizing his many contributions and extending best wishes for continued success. Mayor White stated that so many were honoring Dr. Khumawala and the faith communities and efforts to bridge gaps in the community were very important in moving the City forward; that they would never be able to solve all human needs in the community with government alone and would require people of different heritages working together to lift up the community and it was so nice to recognize him today. Council Members Galloway, Goldberg, Wiseman and Berry absent.

Mayor White stated that this was his honor and invited Ambassador Arthur Schechter to the podium. Mayor White stated that Ambassador Schechter had served this community and worked tirelessly in an area where many community members had strong opinions, provided extremely important service and presented him a Proclamation for his active civic involvement, serving as Ambassador, chairman of METRO Board during the construction of the light rail line and being selected as the Who's Who in Law, in America, in Society and in Politics and saluted him for his many contributions. Council Members Galloway, Goldberg, Wiseman and Berry absent.

Council Members thanked Ambassador Schechter for his leadership, friendship and support and also for his family's commitment. Council Member Galloway absent.

Council Member Quan stated that the King Cake and Mardi Gras beads were flown in from New Orleans and he wanted to acknowledge Ms. Brenda Chavez of Chavez Construction Company for the gesture on her part. Council Member Galloway absent.

At 2:18 p.m. Mayor White called the meeting to order and Council Member Khan invited Dr. Khumawala to lead all in the prayer and Council Member Khan led in the pledge of allegiance. Council Members Galloway absent.

At 2:20 p.m. the City Secretary called the roll. Council Member Ellis out of the city on personal business. Council Member Galloway absent.

Council Members Green and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Galloway absent. MOTION ADOPTED.

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Mr. Thomas Webb out of order, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Galloway absent. MOTION 2004-0197 ADOPTED

Council Member Lawrence moved that the rules be suspended for the purpose of changing the order of speakers to Ms. Olive Hughes, Ms. Jane Laping, Ms. Terri Thomas, Mr. Chris Holmes, Mr. Ronald Height and Ms. Polly Ledvina, seconded by Council Member Holm. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Galloway absent. MOTION 2004-0198 ADOPTED

Council Member Green moved that the rules be suspended for the purpose of hearing Ms. Laverne Crump-Smith after Mr. Webb, seconded by Council Quan. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Galloway absent. MOTION 2004-0199 ADOPTED

Council Member Wiseman moved that the rules be suspended for the purpose of hearing Ms. Brenda Flores first, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Members Galloway and Goldberg absent. MOTION 2004-0200 ADOPTED

Ms. Brenda Flores, 2041 Marnel Road, Houston, Texas 77055 (713-722-9258) appeared and stated that yesterday the Governance Committee was great and she had to come tell the Mayor and Council; and Legal was to get back with them with the information on the whistle blower ordinance by March 22nd. Council Members Galloway, Goldberg and Khan absent.

Mayor White thanked Ms. Flores for coming and stated that Council Member Wiseman requested language on an issue, a whistle blower ordinance, from Legal and he gave them guidelines and instructions for an appropriate ordinance independently and he wanted to communicate with her about that; and Ms. Flores thanked him for keeping his promise. Council Members Galloway, Goldberg and Khan absent.

Council Member Wiseman thanked Ms. Flores for the work she placed into it and stated that she appreciated the support of her constituents for taking her out of order as they spoke on that in the committee meeting; and appreciated Mayor White's support of what they were doing in committee. Council Members Galloway, Goldberg and Khan absent.

Mr. Thomas Webb, 2608 Sutherland, Houston, Texas 77023 (713-928-3738 ext. 16) appeared and stated that he was present requesting a delay on any action being taken on Agenda Item 19 as any insurance premium increase would all but destroy the lives of 20% of the workforce who already made wages so low they may qualify for food stamps; AFSCME, Local 1550, was again requesting an opportunity to sit with the Administration to help identify ways cost savings could be achieved. Council Members Goldberg and Khan absent.

Council Member Berry stated that he would suggest him encouraging his membership and then letting Council know of ideas for cost savings; that they were also looking at a whistle blower statute or bonus for individuals making contributions such as an incentive program, but they did want to hear from employees; and Mr. Webb stated that they were talking about sitting

down and allowing them to do that. Council Members Goldberg and Khan absent.

Council Member Galloway stated that employees were the ones who knew what was going on and that she was listening and did want their input. Council Members Goldberg, Khan and Quan absent.

Council Member Garcia stated that he wanted to reiterate he was looking forward to traveling with Mr. Webb and his executive director to visit with employees and hear their ideas and then continue their process of working with the Administration to see what they can do; and Mr. Webb stated that employees were extremely excited to know he was concerned and that Council wanted to hear what they had to offer. Council Members Khan and Quan absent.

Mayor White thanked Mr. Webb for coming and for time spent with Mr. Hall and Mr. Moore and now he had asked Legal to make some comments back to him. Council Members Khan and Quan absent.

Ms. Laverne Crump-Smith, 147 Victoria, Houston, Texas 77022 (281-586-0180) appeared and stated that she was present because of Black History Month and she wanted to share what they were doing in Council Member Galloway's district and played a game with Council where they received a piece of candy upon giving the right answer. Council Members Khan and Quan absent.

Mayor White stated that he wanted to share something and that was that he and Ms. Smith's daughter had worked together at the firm and they helped her with her education and she received a CPA and then was stolen away for a six figure job; that often the test of people was what they did with their children and how they treated their spouse and she raised a marvelous daughter; and Ms. Smith thanked the Mayor and stated that she had a lot of help. Council Members Khan and Quan absent.

Council Member Galloway thanked Ms. Smith for coming and educating and stated that was the kind of sessions they enjoyed. Council Members Khan and Quan absent.

Ms. Evie Patrick, 4400 W. Airport, Houston, Teas 77045 (832-630-3596) appeared at the podium with Mr. Thomas who stated that he would speak for her today as she was hoarse. Council Members Khan and Quan absent.

Council Member Garcia moved that the rules be suspended for the purpose of allowing Mr. Sal Thoimas to speak for Ms. Evie Patrick, seconded by Council Member Green. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Members Khan, Alvarado and Quan absent. MOTION 2004-0201 ADOPTED

Mr. Sal Thomas, 4111 Charleston, Houston, Texas 77021 (832-512-0794) appeared and stated that on February 11th a group of law enforcement officers broke her door down as they were told a person was trafficking drugs at that address but she was not there and the person's description was a Black female, 23-26 years old, 130-140lbs., 5'1"-5'2", short black hair and dark complexion and she was concerned as to why they would make such a warrant without clear identification of who the person was; and though they found nothing there one threatened that they would be back. Council Members Lawrence, Alvarado and Quan absent.

Mayor White stated that he received background on the matter and it was the policy of the Police Department to take complaints and refer them to their procedures; that Assistant Chief Wong was in the audience and he should visit with him to make sure his complaint was properly accounted for. Council Members Galloway, Alvarado and Quan absent.

Upon questions by Council Member Edwards, Mr. Thomas stated that there was an attempt to file a complaint with the department but the client was supposed to take care of it so

no action was to be taken, but it seemed to be the target of a young Black female. Council Members Galloway, Alvarado and Quan absent.

Upon questions by Council Member Edwards, Ms. Patrick stated that she was not taken to jail. Council Member Edwards stated that she would like to speak with them after session. Council Members Galloway, Alvarado and Quan absent.

Mr. Carl Rabotte, 14534 Almeece, Houston, Texas 77045 (713-424-7003) appeared and stated that his comments were about the same regarding Ms. Patrick; that the fallout from what the police did was causing her to be evicted and she was not guilty. Council Members Galloway, Alvarado, Quan and Sekula-Gibbs absent.

Upon questions by Council Member Edwards, Mr. Rabotte stated that he thought she was in District D. Council Member Edwards stated that she would like the opportunity to speak with them about what happened, no one had called her office; and if Ms. Patrick was in District D she would like them to give her office the opportunity to try and assist them. Council Members Alvarado, Quan and Sekula-Gibbs absent.

Ms. Colleen Mahan, 8731 Hinman, Houston, Texas 77061 (713-641-0129) had reserved time to speak but was not present when her name was called. Council Members Alvarado and Sekula-Gibbs absent.

Mr. Richard Freeman, 121 Riggs Road, Houston, Texas 77022 (no phone) appeared and stated that January 30th he heard a noise and went out and found a neighbor's limb about 9' had hit the garage and busted the eave; that he reported it to his neighbor and she said limbs fall; that he notified the insurance company but regarding the city he wondered why they left half a bridge and built a cross street to cover it in, but he was out in left field; that he did admire Mayor White and would like to speak with his assistant if possible before he left and thanked everyone for hearing him. Council Members Green absent.

Mr. John Barnes, 8521 Observatory, Houston, Texas 77088 (713-801-3499) appeared, presented pictures of homes in Acres Homes that complied with deed restrictions except one for Council and stated that he was present regarding three issues; that his parents stayed behind Acres Homes and someone pulled a permit for what the city considered a modular home, but it looked like a trailer home to him, alongside his parents house and facing their windows, when he walked out of his house he was looking right into his parents; that he also did not think employees acted as they should. Council Member Green absent.

Upon questions by Mayor White, Mr. Bibler stated that the state law made a distinction between a manufactured home, what people called trailers, and an industrial house or modular housing which was also built in a factory but to the same building codes as onsite housing; that he saw a photo copy of the certificate attached to the home and it was an industrialized modular home and the City was required to treat that the same as a regular house; that there was a relatively new state law that would allow the City to impose some control over the appearance of such homes to make them appear more like the homes around them and quality wise they may even be better than the homes around them as they were built in controlled circumstances at a factory, but because they were taken down the freeway they sometimes did tend to look short and have the appearance of a trailer house and that was what they had in this, but it was built to the same quality as any new stick built house in Houston. Council Member Green absent.

Council Member Sekula-Gibbs stated that according to his report she would like to express her regret as to how he was treated in the permit department and hoped Mr. Litke would look into it; that it was interesting Mr. Bibler said they had a chance to regulate it; and upon questions, Mr. Bibler stated that there was a new state law that with respect to that type of home allowed them to regulate things such as the value relating to homes around it and can

make its appearance be consistent with homes around it such as roof pitch, siding, etc., of other houses within 500' of it so there was opportunity to do something if Council wanted to look at it. Council Member Sekula-Gibbs stated that the area's deed restrictions stated there had to be 25% masonry; and upon questions, Mr. Barnes stated that he was not in compliance with that and the inspector said there was structural damage inside and he had a problem with the stigma of Acres Homes. Council Members Edwards, Garcia, Alvarado and Green absent.

Council Member Sekula-Gibbs stated that she would ask for the Mayor's support through Regulatory Affairs or Housing Committee in possibly looking at an ordinance. Council Members Edwards, Garcia, Alvarado and Green absent.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of continuing questions of Mr. Barnes, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Members Edwards, Garcia, Alvarado and Green absent. MOTION 2004-0202 ADOPTED

Council Member Galloway stated that she did go look at the area and most houses were brick; and upon questions, Mr. Bibler stated that no matter what they did it was not going to appear like a normal site built house unless Council adopts rules requiring that because of the height, they use relatively low roof pitches instead of conventional, but they could adopt an ordinance saying if people wanted to have homes of that type they would have to match the roof pitches, etc., to look like the other homes around them; that the photographs he saw did not appear to be a finished house and he was assuming the brick may be around the foundation and if so it may be possible that it would meet that requirement, but they were required to meet the requirement. Council Member Galloway stated that she would look further into the matter. Council Members Edwards, Garcia, Alvarado and Green absent.

Upon further questions by Council Member Galloway, Mr. Bibler stated that unless there was deed restrictions against fences the City had no requirements except if they were over a certain height, which he thought to be 6' or 8', did need to be run by the Building Inspection Office so they could be made strong enough not to come down in a windstorm. Council Members Garcia and Green absent.

Upon questions by Council Member Berry, Mr. Bibler stated that within the City's guidelines they did assist neighborhoods in addressing deed restrictions, but they did not do certain things that were aesthetic such as paint color and such, he had personally seen the photograph of the certificate of the house and it was an industrialized house if the photograph was genuine; that Legal looked into it and they were aware of no violation within any guidelines they enforced, but if anyone wanted to visit with them, including the speaker, they were welcome to visit with Mr. Dougherty and bring to him any additional facts. Council Members Garcia and Green absent.

Council Member Berry stated that they were receiving calls of modular units being moved in on I-10 E in the Wood Forest Area and people there thought them to be in violation of deed restrictions and he did not know you could bring them into the city limits and maybe it was worth figuring out; and Council Member Quan stated that he was not aware of it and his committee would look into it. Council Member Green absent.

Council Member Quan stated that he appreciated Mr. Barnes bringing it to their attention and it was something the Housing Neighborhoods Committee would like to look at and would do so at their next meeting in March; that he appreciated looking at the pictures and they would follow-through and see what could be done to prevent it from happening. Council Members Lawrence and Green absent.

Council Member Edwards stated that they had a similar issue in Missouri City and they asked Council Member Holm's committee to revisit the deed restriction ordinance and they

were talking about visiting with Council Member Parker and it never got off the ground so they put a memo to the Mayor and Council Members to see if it could be revisited; that there were a lot of issues regarding not only that model of home but also a whole lot of things; and she would appreciate it if the Council Member could look at that. Council Members Goldberg and Green absent.

Upon questions by Mr. Barnes, Mayor White stated that he was questioned by Council Members because of their interest in doing just what he wanted, changing the law, and he had done what he needed and Council appreciated his assistance in getting the process started. Council Members Goldberg and Green absent.

Ms. Olive Hughes, (no address, no phone) appeared and stated that in May of last year the Spring Branch Memorial Chapter of Mothers for Clean Air formed from a grassroots effort and was the fifth chapter in Houston and they formed over their concerns of the effect of air pollution with plans to greatly expand the Katy Freeway; that they had a commitment of an ozone monitor for their area; that they learned a model for predicting particulates had been recommended by the EPA although not required and the Highway Department did not use it; and Ms. Jane Laping, executive director of Mothers for Clean Air would describe the study and implications. Council Members Goldberg and Green absent.

Ms. Jane Laping, 4971 Dumfries, Houston, Texas 77096 (713-526-0110) appeared, presented information and stated that she was executive director of Mothers for Clean Air and today had the challenge of presenting the Katy Freeway Air Pollution Study in three minutes; that she was sure Council was all aware of the air pollution problem in Houston, but may not be aware of the particulate matter air pollution problem Houston may have, particulate matter were tiny pieces of dirt and soot so small it could be inhaled into lungs and transferred to the blood stream and other organs and they were very close to exceeding those guidelines; that there were no monitors for particulate matter along the Katy Freeway and so their handout was a study which had to be done through modeling and she discussed the charts presented. Council Members Goldberg and Green absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Ms. Jane Laping to speak, seconded by Council Member Quan. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Members Goldberg, Green and Berry absent. MOTION 2004-0203 ADOPTED

Ms. Laping stated that she wanted to point out that on the diagram the darkest square was near the 610 Loop and there was a daycare center and two schools and children went to school along the I-10 corridor and they were the most impacted by air pollution from particulate matter. Council Members Goldberg, Green and Berry absent.

Council Member Edwards stated that California just passed an ordinance or law which said a school could not be within 500 feet; and upon questions, Ms. Laping stated that it would have no affect on the schools already here, but would on future locations except at this time we did not have that law here. Council Member Edwards stated that she would ask the issue be presented to the Transportation Committee for further discussion; and Mayor White stated that he would ask Chair Holm and Chair Berry to discuss with the Mayor Pro Tem on how they thought they should proceed on addressing the issue. Council Members Goldberg, Green and Berry absent.

Ms. Terri Thomas, 214 Caruthers, Houston, Texas 77024 (713-468-2832) appeared, presented a letter and stated that she was not a resident of Houston and lived in one of the Memorial Villages but was present at the request of Ms. Monette Chilson who was a resident of District G and read from the letter presented for Ms. Chilson which in part stated that she hoped Council Member Holm would be able to use her position as the Chairperson of the Quality of Life Committee to offer relief from the many negative impacts if the Katy Freeway expansion

continued as planned; that after the study on particulate matter there was no longer doubt the new 20 lane freeway would negatively impact their health and the health of their children. Ms. Thomas stated that her time was up but Council did have the letter and urged they read it and take it to heart. Council Members Goldberg, Wiseman, Quan, Green and Berry absent.

Mr. Chris Holmes, 1316 Cohn, Houston, Texas 77007 (713-863-1108) appeared and stated that he was starting a new business in Council Member Holm's district and would be traveling I-10 on a daily basis and was extremely concerned with the TxDOT plan which was a big massive super freeway that would cause a lot of grief; that this was the new millennium and much more could be done to protect people and move traffic faster and cleaner. Council Members Goldberg, Wiseman, Green and Berry absent.

Mr. Ronald Height, 1907 Shadowdale Drive, Houston, Texas 77043 (713-752-6902) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Wiseman, Green and Berry absent.

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas 77005 (713-524-4578) appeared and stated that she was vice president of the board of Mothers for Clean Air and chairman of the Katy Corridor Coalition and with little success citizens had urged officials and elected representatives to work towards improving the plan for I-10 to maximize capacity without harming neighborhoods, but still public opinion was disregarded; that she had a petition with her of citizens wanting a smarter and healthier long-term plan and the Katy Coalition did not think it was to late to be smart about the expansion or expansions being planned in other corridors; that they had a list of objectives they thought were reasonable and achievable and would like the opportunity to meet with Mayor White and the Quality of Life Committee and the Transportation Committee to go over them. Council Members Goldberg, Green and Berry absent.

Council Member Edwards thanked Ms. Ledvina for her work over the years; and upon questions, Ms. Ledvina stated that the particulates did stay very near the freeway, but that was on all freeways and for those who lived in the inner limits of Houston they needed to recognize all the major freeways converged on them and they were all impacted. Council Members Goldberg, Green and Berry absent.

Council Member Garcia stated that there was a great concern over this and encouraged that Mothers for Clean Air be invited to the Quality Life Committee meetings and the Transportation Committee meetings, to let them be an intricate part of the process. Council Members Goldberg, Sekula-Gibbs, Green and Berry absent.

Council Member Khan stated that he knew about the condition of the Katy Freeway; and upon questions, Mayor White stated that they welcomed the goals Ms. Ledvina mentioned and the citizens had done a lot of work in research; that there was a lot of history to the project but it did include the awarding of substantial contracts with features including penalties for breach of contracts and obviously different competing constituencies at work, but it took decades to get where they now were at the intersection of I-10 and 610 and changes would not occur overnight, but everyone around the Council table would have an impact and one thing they needed to think about which other major cities looked at was incentives for vehicles which polluted less and he was trying to set an example and get one off the line for his personal vehicle and one issue with METRO he would have was what priority could be given to HOV lanes and others to encourage fleet conversion for low emitting vehicles. Council Members Goldberg, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she would implore the Council body to look at something; that citizens came all the time asking for help on issues such as Spur 527, deed restrictions and so forth, and it was her opinion if they did not do as he said and step up and find ways to aggressively do this better then they became the weapons of mass destruction

they were looking for because they were killing the community by sitting and passively walking and letting things walk over them and she did applaud his leadership and was excited about partnering with such groups; and Mayor White stated that sometimes he sensed a great deal of destruction from citizens who felt as though they had been run over by a big train; that they always needed to be looking at what needed to be done in the next so many years as they could not undo what had been done over the last 30 years but did need to see how to intelligently deal with it in the future. Council Members Goldberg, Sekula-Gibbs and Berry absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he owned the earth and all in the galaxy and continued expressing his personal opinions until his time expired. Council Members Goldberg, Sekula-Gibbs and Berry absent.

Mr. Reginald Butler, 2610 Ridge Hollow Drive, Houston, Texas 77067 (713-550-7887) appeared, presented a Kids and Cops Trading Card of his brother Richard Butler and stated that on October 31, 2003, a young man by the name of Jose Vargas and his brother crossed paths and unfortunately Mr. Vargas lost his life and because of that his brother went under a lot of ridicule and subsequently no billed by a Harris County Grand Jury and later fired by the interim Police chief, Chief Breshears, that his family felt his brother was wrongfully fired and that the Latin community was misinformed into believing he was a racist when little did they know he was married to a Latin woman and they had three beautiful children; that he was a faith filled man and preferably he would be reinstated; that he was a just man and a DARE officer and always one to try and change the community one person at a time and he would like that continued; that he was very proud of his brother regardless of what happened and his sympathy did go out to the Vargas family, but he would like some changes made in the community there, maybe a curfew, but he would like them to take into consideration all his brother had done. Council Members Goldberg, Sekula-Gibbs and Berry absent.

Council Member Garcia thanked Mr. Butler for coming and stated that he knew his brother, Officer Butler, and his prayers were with him; that no one could phantom how life could change in a matter of seconds and there were a lot of particulars the community did not know, but as they moved forward they would be able to learn from this in many regards; and asked that he pass on his prayers and best wishes. Council Members Goldberg, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she did not know the particulars of why Chief Breshears released Officer Butler and she did understand how accidents could happen but some accidents could not be tolerated; that when you were given extraordinary authority and privilege there was an extraordinary accountability which had to be met; and upon questions, Mr. Butler stated that his brother on one hand was protecting other officers and they and other people were in harms way, if that young man would have escaped or made it to Westheimer and ran into a family and injured them then people would be scrutinizing him for not stopping him; that his heart went out to officers because they were caught in a catch 22 and often times they were in a no win position, but his brother said it was an accident and he believed with all his heart that it was. Council Member Edwards stated that it probably was an accident and she felt for him, but some accidents they could not allow, they could not allow for someone to be accidentally be killed; that the young man was not a man but a child and it was about how to handle those type of tragic accidents and she would like to speak with him on how he thought they could prevent such accidents because it did happen too frequently, but when did you pull your gun, what were the occasions and then what happened; that her heart went out to him and his family and she would like him to help them find a way to move past this; and Mr. Butler stated that he would be more than willing to do so. Council Members Goldberg, Sekula-Gibbs and Berry absent.

Mayor White thanked Mr. Butler for sharing this with everyone; that Council Member Garcia said it well, what a strange thing the mystery of life was when things changed

so quick and the world turned up side down; that he did support the decision of Chief Breshears for the reasons set forth in detail in his findings; that he would say it was not an easy decision for anyone and part of it did have to do with his record of service and the character of his brother which was respected; that he would say to the community they all needed to learn where to go in the future to reduce such incidents and by the end of the week there would be something pretty specific which was part of what he was looking at and investigating which seemed to have real promise based on experiences in other cities; that training would be beefed up and he was glad he appeared here today and not for reasons having to do with his brother but for the communities in general because no matter what the official decision of the Police Department was he knew his brother's life changed after that day; that sometimes he wondered when people went on a rampage and asked for certain discipline whether they realized the human situation; that the greatest consequences of someone who made a fatal error had already been visited on that human being and that was why he and his family as well as the victim and his family were in his prayers and he was sure also in a lot of his colleagues; and Mr. Butler thanked Mayor White for his words and for his time. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

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

Ms. Yolanda Richards, 5353 DeSoto #824, Houston, Texas 77091 (713-476-0640) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Ms. Kathi Rodriguez, 718 Westcott, Houston, Texas 77007 (713-861-7844) appeared and stated that she was present regarding problems with a builder who purchased the block she lived on and built townhomes, in the course of the situation they had a great deal of problems with flooding, trash in the ditches, illegal dumping, etc., and they were brought to the City's attention; that she photographed everything and had about 490 pictures and did everything to try and bring it to the proper attention to get the problem resolved but it fell on deaf ears and then the builder wound up building on a portion of her property; that she was told she should file a complaint against the OIG after very rudely being escorted out of Public Works by a supervisor; that Sgt. Atwood put together approximately a 643 page document of what had gone on during the course of about 2 years and three months. Council Members Lawrence, Galloway, Goldberg, Edwards, Sekula-Gibbs and Berry absent.

Council Member Quan moved that the rules be suspended for the purpose of allowing Ms. Kathi Rodriguez additional time to speak, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Members Lawrence, Galloway, Goldberg, Edwards, Sekula-Gibbs and Berry absent.
MOTION 2004-0204 ADOPTED

Ms. Rodriguez stated that her reason for coming today was because she patiently waited for a report from the OIG regarding the matter and it was now turned over to someone else; that she desperately needed the report as she intended to use it for the Harris County Appraisal District to contest taxes because of damages and was requesting assistance. Council Members Lawrence, Galloway, Goldberg, Edwards, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Quan, Mayor White stated that he did not know if they were near conclusion on the report, but asked that Chief Wong assist her. Council Members Lawrence, Galloway, Goldberg, Edwards, Sekula-Gibbs and Berry absent.

Mr. Richard Ramirez, 10427 Bantum, Houston, Texas 77093 (713-692-6748) appeared and stated that he had an issue with the Harris County Hospital district and tried to file a complaint at 2525 Hollyhall, but since then he had been harassed by security and Ms. Lopez; that he had a right to file a complaint and she did not want him to, but now there was always a security guard behind him and they were saying he threatened someone and he never had; that his issue was he had no ID and if they called police on him for no reason he would get taken to jail for not having one. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Quan, Mr. Ramirez stated that he did not have the money to go get an ID. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Quan, Mr. Bibler stated that he suspected the issue related to former Police Chief Brown's administrative procedure which he thought was still on the books and said when a person was arrested by the Houston Police Department if they did not have valid ID they may be custodially arrested as opposed to giving them a citation. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Quan, Mr. Ramirez stated that he wanted to get notice to the Harris County Hospital District, he wanted to file a complaint. Council Member Quan stated that his office would help with that and he would see him after the meeting. Council Members Galloway, Goldberg, Holm, Sekula-Gibbs and Berry absent.

Mr. Jose Morales, 4002 North Main, Houston, Texas 77009 (713-880-1564) appeared, presented photos and stated that at Rico's Triangle Restaurant on North Main there had been a pothole for over 20 years and he spoke with Public Works and was told it was his problem even though it was on City property. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that his staff was trying to speak with him and Mr. Fiederlein was present and would follow-up; that his staff would also follow-up. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mayor White stated that as he understood the issue was with a storm water capacity reservation letter from Public Works as opposed to permitting. Council Members Galloway, Goldberg, Holm, Sekula-Gibbs and Berry absent.

Mr. Randall Smith, 3213 Burkett, Houston, Texas 77044 (713-652-3801) appeared, presented pictures for viewing and stated that the heavy trash problem in Third Ward was a symptom of a much greater problem shared not only by those in Third Ward but by those who called themselves community leaders; that the truth was the Third Ward was populated by a very large number of ignorant people and ignorance was not a bad word and simply meant they just did not know; that a large percentage of the trash was dumped there illegally and in vacant lots and the supposedly the you call, we haul idea might save money but it would not solve the problem because illegal dumpers would not pick up the phone and dial; that Third Ward had an unusually large amount of churches for the small neighborhood but if they would observe they would see they were only concerned with the church alone because all around them was poverty, decay and dilapidation, hopelessness, proliferation of illegal drugs and crime and a lot of heavy trash; that the heavy trash caused another problem and their neighborhood was a breeding ground for mosquitoes; that their storm drainage did not work because of the trash and each summer was a nightmare and there was no excuse for the lack of leadership in their area. Council Members Galloway, Goldberg, Holm and Berry absent.

Council Member Alvarado stated that there would be a meeting this Saturday and she would be happy to hear his suggestions on how they could do a better job; that one priority of this Administration was to cleanup illegal dumping make property owners more responsible

and they would be happy to work with him; and Mr. Smith stated that if they could do as the Mayor had been doing lately and go out they would see it all; that there was still an open manhole which he reported to the previous Administration. Council Members Galloway, Goldberg, Holm and Berry absent.

Council Member Edwards stated that there was leadership in Third Ward and he was it; that he was right the area was like falling into a third world country, it was like generations of neglect and property owners did nothing about maintenance, etc., as it was mostly rented; that they called it the "Bottoms" and that was how it was treated; that if they would call it in even if it was not their house it would be picked up. Council Members Galloway, Goldberg, Holm and Berry absent.

Council Member Khan stated that they needed the Mayor to direct Public Works to take care of it; that a city was only as beautiful as its dirtiest block and he would appreciate him looking into it and he was sure the upcoming meeting would place more of a focus on the problem. Council Members Galloway, Goldberg, Holm and Berry absent.

Mayor White stated that Mr. Fiederlein could handle the open manhole cover, he would get it done pronto; that he was asking for Mr. Smith's help on something and knew what part of the answer was, it was a commitment by the City and County to assist the community, but then they needed real help from the community to keep it going; that he knew he spoke with passion because he cared and with frustration because he had been disappointed, but they needed community leaders talking to each other because a commitment was needed so that when the City did something it would not just be a band-aid; that he did not want to work for years on this and then leave and it go back to how it was. Council Members Galloway, Goldberg, Holm and Berry absent.

Council Member Edwards stated that the Mayor was correct, but the City had an opportunity to help build capacity in the community, if they cleaned and walked away it would go right back so they needed to aggressively get a group to work with the community, a partnership to build capacity in the community on a day to day basis and she felt Mr. Smith would be very catalytic in being very instrumental; that they needed dollars for people on a 24-7 to help them take care of the community; and Mayor White stated that he spoke with Council Member Alvarado about the necessity of having someone living in the vacant lots and as they worked through the budget and personnel issues they would see what they could commit to do. Council Member Edwards stated that there were state and federal monies they could possibly help people get grants to do the kind of capacity building they were talking about through HUD or other agencies and it may not have to be a line item out of the City budget and she would be more than happy to work with Council Member Alvarado if she would like to. Council Members Galloway, Goldberg, Khan, Holm and Berry absent.

Council Member Alvarado stated that she would be happy to and would appreciate her thoughts on it; that she would like to know what to do to crackdown on absentee property owners so they would have to maintain it and she felt it would cause them to secure their property and prevent some illegal dumping. Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent.

Upon questions by Mayor White, Mr. Bibler stated that Chapter 125 of the Civil Practice and Remedies Code was probably what he was thinking of, it was the statutory nuisance law, but it dealt more in terms of where prostitution, drug deals, etc., happened repeatedly and they had an inter jurisdictional team between the Police and Legal Department which worked on those cases; that regarding large amounts of trash or debris and dilapidated buildings there were two processes all outlined in Chapter 10 of the City Code, there was a dangerous buildings program and a nuisance abatement program, the folks were giving a warning and if they wanted to contest they were given a hearing and then to the extent of the City's resources they would cleanup or knock down the building and place a lien on the property and there was

also a possibility of civil fines being placed on the people by the commission by citizens and they could go to court to collect those. Mayor White stated that he wondered who could serve a citation or notice of violation on an individual property owner in that circumstance, was there something that would define the category of person who could identify a violation and then send notice of that violation; and Mr. Bibler stated that it was being done under City Code provisions that were specifically authorized by state law and he would have to get back into them, part was in the Health Code and part in the Local Government Code, but as a practical matter it was the Neighborhood Protection Team that received the notices and sent out an investigator and then sent out the notice. Mayor White stated that some consideration might be given by Council Member Quan's committee or by his colleagues as to what kind of citizens might be authorized under the law to help enforce such things. Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent.

Council Member Garcia stated that as Council Member Edwards indicated this was about neighborhood revitalization and community mobilization's biggest challenge because people in some communities had become so disconnected or at least felt that way; that it required tremendous support from the bureaucracy; that some from the Mayor's Anti-Gang Office had done projects along the area and that was something to help the thought process along. Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent.

Mr. Dean Becker, 11215 Oak Spring, Houston, Texas 77043 (713-922-4367) appeared and stated that around the world saw Houston sent more people to prison, especially Black and Brown, for less than a gram of drugs; that they did not want drugs being sold to gangs and then to children, but yet that was what the current policy did; that justice was being denied and he was inviting all to the Breaking the Chains Conference on racial bias which would be April 1st-3rd at Texas Southern University and speakers around the world would be looking at our city and drug war policy and he represented the Drug Policy Forum of Texas, a national organization for the reform of marijuana laws and they wanted to change the focus on medical marijuana and for doctors to recommend compassion clubs; that the UK no longer arrested anyone for marijuana possession and Canada grew it for their patients; and urged they make marijuana the lowest priority of law enforcement in the community. Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent.

Council Member Edwards stated that she thanked Mr. Becker for lifting up the forum; that she knew Ms. Debra Smalls and was excited about what was happening at Texas Southern University. Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent.

Ms. Mary Taylor, 1403 Fashion Hill, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent.

Minister Joe Angel Lopez, 2000 Carlton Parc #7, Houston, Texas 77063 (281-435-0779) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-2037738) appeared and stated that he was the official U. S. President and continued expressing his personal opinions until his time expired. Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent.

At 4:29 p.m. City Council recessed until 9:00 a.m., Wednesday, February 25, 2004. Council Member Ellis out of the city on personnel business. Council Members Galloway, Goldberg, Wiseman, Holm, Quan and Berry absent.

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, February 25, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Susan Taylor, Acting City Attorney and Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Deputy Agenda Director, present. Council Member Mark Ellis out of the city on personal.

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

At 9:10 Mayor White reconvened the meeting of the City Council. Council Members Lawrence, Galloway, Wiseman and Khan absent.

MAYOR'S REPORT

Mayor White stated that for his Mayor's Report he would note to his colleagues present that there would be a major announcement affecting the City that would occur around 11:30 a.m. following the Council meeting and weather permitting would be on the City Hall steps and all Council Members would be invited to participate, that he would ask his Chief of Staff, Mr. Moore to make sure that Council Members had information on it during the meeting. Council Members Lawrence, Galloway and Wiseman absent.

CONSENT AGENDA NUMBERS 1 through 32

MISCELLANEOUS - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment of **MR. MUNIR IBRAHIM** to Position Eight of the **HOUSTON CONVENTION CENTER HOTEL CORPORATION**, for a term to expire December 31, 2005 – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Members Galloway and Wiseman absent. MOTION 2004-0205 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment of **MR. GEORGE DEMONTROND** to the Board of Directors of the **METROPOLITAN TRANSIT AUTHORITY**, for a two year term – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Members Galloway and Wiseman absent. MOTION 2004-0206 ADOPTED.
3. RECOMMENDATION from Finance & Administration Department for approval of Individual Fidelity Bond Form for **JUDY GRAY JOHNSON, DIRECTOR OF FINANCE AND ADMINISTRATION** and **TREASURER** in the amount of \$25,000.00 as required by the City Charter and the Code of Ordinances - \$100.00 - Insurance Management Fund – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Members Galloway and Wiseman absent. MOTION 2004-0207 ADOPTED.

Mayor White stated that they were honored to have a couple of citizens who were now serving the community on very important boards and commissions in the audience and invited Mr. Munir Ibrahim to the podium to be recognized for his appointment to Position Eight of the Houston Convention Center Hotel Corporation. Council Members Galloway and Wiseman absent.

Mr. Ibrahim stated that he looked forward to serving on that board and had a long history of serving the community and with all of the Council Members hopefully they would improve the City. Council Members Galloway and Wiseman absent.

Mayor White and Members of Council congratulated Mr. Ibrahim on his appointment to Position Eight of the Houston Convention Center Hotel Corporation and thanked him for his years of service to the City of Houston. Council Members Galloway and Wiseman absent.

Mayor White stated that Mr. George DeMontrond had been appointed to the Board of Directors of the Metropolitan Transit Authority and invited Mr. DeMontrond to the podium to be recognized. Council Members Galloway and Wiseman absent.

Mr. DeMontrond stated that it was an honor to be entrusted to represent the City's interest on such an important board and intended to do that with relish, that his father served on the first Metro Board when it was established in the late 1970's and served until his passing in 1984, that he hoped to honor that memory as well. Council Member Wiseman absent.

Mayor White and Members of Council congratulated Mr. DeMontrond on his appointment to the Board of Directors of the Metropolitan Transit Authority and thanked him for his community service. Council Member Wiseman absent.

Council Member Edwards stated that she wanted to present to the Council a group of young women and men who were going to be teaching their children in the near future, they were from the University of Houston Downtown Campus under the leadership of Dr. Shelly McIntosh and asked that they stand and be recognized. Council Member Wiseman absent.

Mayor White stated that he wanted to thank them for being present in the Council Chamber. Council Member Wiseman absent.

PROPERTY - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ted T. Vuong, Walter P. Moore and Associates, Inc., on behalf of the May Department Stores Company (Eugene S. Kahn, chief executive officer), for abandonment and sale of a 10-foot-wide utility easement, the attendant aerial easement(s), and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 15-foot-wide water line easement, a fire hydrant easement, and a water meter easement, all located within Baybrook Mall, Section 1, Subdivision, Parcels SY4-026A, SY4-026B, KY4-105A, KY4-105B and KY4-105C - **STAFF APPRAISERS - DISTRICT E – WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Wiseman absent. MOTION 2004-0208 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 9

7. **SECOR** for One Fusion Machine for Department of Public Works & Engineering - \$34,100.00 Enterprise Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Wiseman absent. MOTION 2004-0209 ADOPTED.
8. **UNITED CRANE, INC** for Crane Truck Rental for Department of Public Works & Engineering \$63,600.00 - Enterprise Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Wiseman

absent. MOTION 2004-0210 ADOPTED.

9. **AMEND MOTION #2001-374, 4/4/01, TO EXTEND** expiration date from April 5, 2004 to April 4, 2006, for Gel Cell Batteries Contract for Department of Public Works & Engineering, awarded to **GLOBE ELECTRIC CO., INC** – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Wiseman absent. MOTION 2004-0211 ADOPTED.

ORDINANCES - NUMBERS 12 through 29

12. ORDINANCE consenting to the addition of 8.823 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 157**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2004-0124 ADOPTED.
13. ORDINANCE consenting to the addition of 13.226 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 370**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2004-0125 ADOPTED.
14. ORDINANCE consenting to the addition of 31.5020 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 383**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2004-0126 ADOPTED.
17. ORDINANCE making certain findings and approving the use of a portion of Glenbrook Park Golf Course for the proposed realignment of a portion of the sanitary sewer lines through Glenbrook Park located in the 8200 block of the Gulf Freeway, City of Houston, Texas; said findings made after a public hearing held at 9:00 a.m. on Wednesday, January 14, 2004, in the City Council Chambers, Second Floor of City Hall, Houston, Texas, pursuant to the provisions of Chapter 26, Texas Parks and Wildlife Code - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2004-0127 ADOPTED.
21. ORDINANCE approving and authorizing sponsorship agreement between the City and **BEALL HOMEOWNERS ASSOCIATION, INC** for Garbage Collection Service for the respective civic association - 12 Months - \$576.00 - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2004-0128 ADOPTED.
23. ORDINANCE amending Ordinance No. 99-841 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and **MCLEMORE BUILDING MAINTENANCE** for Window Cleaning Services for Convention & Entertainment Facilities Department - \$82,017.81 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2004-0129 ADOPTED.
29. ORDINANCE awarding contract to **JIMERSON UNDERGROUND, INC** for Construction of Water, Sanitary Sewer and Storm Drainage Systems serving Northwest Place Estates, CIP S-0800-94-03 and R-0800-94-03 (DPC-31); approving and authorizing the assignment of the construction contract to **7168 STONE BROOK I, LTD. - DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Wiseman absent. ORDINANCE

2004-0130 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$500,250.00 permit fee to the **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for Permit Year 2004 Ground Water Withdrawal - Enterprise Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Ellis out of the city on personal business. MOTION 2004-0212 ADOPTED.

ACCEPT WORK

5. RECOMMENDATION from Acting Director Building Services Department for approval of final contract amount of \$1,655,425.00 and acceptance of work of the Surety, **CONTINENTAL CASUALTY COMPANY** on contract awarded to **RTG BUILDING COMPANY** for Renovation of Carnegie Branch Library, GFS E-0008-01-3 - 18.85% over the original contract amount **DISTRICT H - GARCIA** – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Quan. All voting aye. Nays none. Council Member Ellis out of the city on personal business. MOTION 2004-0213 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. **AMEND MOTION #2001-1085, 10/03/01, TO INCREASE** spending authority from \$748,859.48 to \$936,074.35, for Electric Lighting, Parts and Fixtures for Various Departments, awarded to **TURTLE AND HUGHES, INC** - Enterprise Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Ellis out of the city on personal business. MOTION 2004-0214 ADOPTED.
11. **ARAMSCO** - \$48,754.50, **CODE BLUE POLICE SUPPLY** - \$32,573.10, **GROVES INDUSTRIAL SUPPLY** - \$282,874.96, **ORR SAFETY CORP.** - \$522,961.84, **SAFETY SUPPLY, INC (Bid No. 2)** - \$260,811.53, **TASCOSA TOOL SERVICE, INC (Bid No. 2)** - \$57,798.00, **TRICON TOOL & SUPPLY (Bid No. 2)** - \$118,415.25 and **WILSON FIRE APPARATUS & EQUIPMENT** \$456,794.00 for Safety Equipment and Supplies for Various Departments - \$1,780,983.18 General, Enterprise and Asset Forfeiture Funds – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Ellis out of the city on personal business. MOTION 2004-0215 ADOPTED.

ORDINANCES

15. ORDINANCE establishing the north side of the 1400 block of Michigan Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2004-0131 ADOPTED.
16. ORDINANCE establishing the east side of the 100, 200, 300, and 400 blocks of Moss Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** –

was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2004-0132 ADOPTED.

Mayor White stated that for young people present he would note under the rules of their Council in order to expedite processes if people were not heard voting their vote was carried in favor so as they proceeded through the items there was due consideration by all Council Members for each of the items and when he called for votes and they did not hear votes that simply was because they had a procedure for recording those positive votes. Council Member Goldberg absent.

18. ORDINANCE making certain findings and approving the taking and use of a 3.3530 acre permanent easement out of Townwood Park by the Harris County Flood Control District for Flood Control and Drainage Purposes; said findings made after a public hearing held at 9:00 a.m. on Wednesday, December 10, 2003, in the City Council Chambers, Second Floor of City Hall, Houston, Texas, pursuant to the provisions of Chapter 26, Texas Parks and Wildlife Code **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2004-0133 ADOPTED.
19. ORDINANCE relating to Health Care Benefits for City Employees, Retirees, Deferred Retirees, Survivors and certain dependents; approving and authorizing various plans and agreements and amendments to plans and agreements regarding Health Care for the aforementioned beneficiaries, approving a maximum contract amount; containing other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Members Garcia, Edwards, Alvarado, Quan and Holm. Council Member Goldberg absent.

Council Member Sekula-Gibbs stated that the item was brought to the Fiscal Affairs Committee and discussed at some length and she wanted to thank the Mayor and the Human Resources Department for making a strong effort to expand the health care benefits opportunities for the City employees to include a PPO, that it was something the City Council had been requesting and she had personally been requesting and the employees had been requesting since it disappeared in 1993, so the opportunity was back and there were other pieces in that bit of legislation but that was one that she wanted to say a special thanks to Ms. Candy Aldridge and Mr. Lonnie Vara for going the extra yard and bringing an opportunity back to all of the employees and hoped that would be recognized and acknowledged. Council Member Goldberg absent.

20. ORDINANCE accepting a sculpture honoring former President George H. W. Bush to be located in Sesquicentennial Park and approving and authorizing contract between the City of Houston and the **GREATER HOUSTON COMMUNITY FOUNDATION** for Donation of such sculpture **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0134 ADOPTED.

Council Member Alvarado asked if Mr. Charles Foster was in the audience if he would stand and be recognized. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs moved to suspend the rules to hear from Mr. Charles Foster at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0216 ADOPTED.

Mr. Foster stated that he was pleased to be recognized, that it was a very important project for the City and had a chance to visit with a number of Council Members individually, that it was a gift to the City to recognize a public servant, the only President in the history of the United States that hailed from Houston and recognized his diverse public service from being the youngest pilot in World War II to the President who presided over the end of the Cold War, that he thought it was appropriate and very appropriate for City Council to name the airport but for future generations he thought it would be a destination point for people to visit Houston and recall his significant career and place in history. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.

Council Members Quan and Sekula-Gibbs acknowledged all of the contributions Mr. Foster had made to the City, his generosity in heading up a worthwhile project that was not costing the City any money, that it was important to recognize leaders who came from their hometown. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.

22. ORDINANCE approving and authorizing contract between the City and **STANLEY SMITH SECURITY, INC d/b/a INITIAL SECURITY** for Security Guard Services for the Convention & Entertainment Department; providing a maximum contract amount - 3 Years with two one-year options - \$16,415,000.00 - Enterprise Fund - **DISTRICTS D - EDWARDS; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0135 ADOPTED.
24. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **NIVERCO MEDICAL SERVICES** for Repair, Inspection & Preventive Maintenance Services on Laboratory Equipment for Various Departments (as approved by Ordinance No. 99-538) – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0136 ADOPTED.
25. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **OMNI CONSTRUCTION, INC** for Disaster Debris Removal Services for the Solid Waste Management Department (as approved by Ordinance No. 99-905) – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0137 ADOPTED.
26. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **GRUBBS CONSTRUCTION, COMPANY** for Disaster Debris Removal Services for the Solid Waste Management Department (as approved by Ordinance No. 99-903) – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0138 ADOPTED.
27. ORDINANCE appropriating \$318,600.00 out of Airport System 1998B AMT Construction Bond Fund; authorizing purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections One and Two, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-22.1; Project 617; approving purchase and sale agreements with the owners of the land (Andrew and Ysidra Huichapa; Kenneth James Mixon, Mary Darleen Mixon, et al; Patricia Ann Geist, Barbara Jean Eickenhorst, et al; and Adelaido Antonio Ureste) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member

Goldberg absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0139 ADOPTED.

28. ORDINANCE appropriating \$24,325,758.00 out of Houston Airport System Consolidated 2004 NON-AMT Construction Fund (CIP A-0392), awarding construction contract to **CONTRACTOR TECHNOLOGY LTD** for Terminal A/B Ramp Widening at George Bush Intercontinental Airport/Houston (IAH), Project No. 558B; providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0140 ADOPTED.
30. ORDINANCE appropriating \$161,101.64 out of Water & Sewer System Consolidated Construction Fund, \$38,075.09 out of Tax Increment Reinvestment Zone Affordable Housing Midtown Fund and \$100,115.33 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation contract between the City of Houston and **KENDALL HOMES CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Avondale Subdivision, CIP S-0800-B5-03 and R-0800-B5-03 - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Edwards. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.
31. ORDINANCE appropriating \$25,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **LANTERRA, L.L.C.** for Construction of Water and Sanitary Sewer Lines to serve development of Naomi Avenue, CIP S-0802-13-03 and R-0802-14-03 - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0141 ADOPTED.
32. ORDINANCE appropriating \$3,112,123.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0294-02-3 (WW4257-43); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS D - EDWARDS; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0142 ADOPTED.

MATTERS HELD - NUMBERS 33 through 39

33. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$202,890.91 and acceptance of work of the Surety, **WESTERN SURETY COMPANY** on contract awarded to **PRIME GENERAL CONTRACTORS, INC** for Construction of Safe Sidewalk Program at Various Locations, Package No. 2, GFS N-0610A-95-3 (SB9064-1) 67.06% under the original contract amount – **(This was Item 5 on Agenda of February 18, 2004, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Khan. All voting aye Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0217 ADOPTED.

34. ORDINANCE issuing permit to **TEXAS SOUTHERN UNIVERSITY**, a Public Institution of Higher Education, for building, constructing, maintaining, using, operating and repairing a six inch waterline encased in an eight inch steel pipe and four inch waterline encased in a six inch steel pipe for water and fire line purposes abutting Lot 12, Block 2, Tierwester Oaks across and under Canfield Street, within and being a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D - EDWARDS** – (**This was Item 12 on Agenda of February 18, 2004, TAGGED BY COUNCIL MEMBER EDWARDS**) – was presented. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards moved to postpone Item No. 34 for two weeks, seconded by Council Member Quan. All voting aye Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0218 ADOPTED.

35. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty – (**This was Item 13 on Agenda of February 18, 2004, TAGGED BY COUNCIL MEMBER EDWARDS**) – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0143 ADOPTED.
36. ORDINANCE awarding contract to **DIAMOND CARWASH SALES & SERVICE** for Vehicle Car Wash Services for the Houston Police Department; providing a maximum contract amount 3 years with two one-year options - \$584,923.00 - General Fund – (**This was Item 14 on Agenda of February 18, 2004, TAGGED BY COUNCIL MEMBER GARCIA**) – was presented, and tagged by Council Member Wiseman. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.
37. ORDINANCE appropriating \$3,000,000.00 out of Series E Commercial Paper Metro Projects Fund and \$1,033,547.22 out of Street & Bridge Consolidated Construction Fund and \$191,339.59 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **SOUTH COAST CONSTRUCTION, INC** for Old Westheimer Reconstruction from Brays Bayou to Westheimer, GFS N-0749-01-3 (SB9075); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund and the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT G – HOLM** – (**This was Item 17 on Agenda of February 18, 2004, TAGGED BY COUNCIL MEMBER HOLM**) – was presented. All voting aye. Nays none. Council Member Ellis out of the city on personal business. Council Member Goldberg absent. ORDINANCE 2004-0144 ADOPTED.
38. ORDINANCE appropriating \$1,357,521.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **ALLCO, INC** for Wastewater Collection System Rehabilitation and Renewal, GFS R-0266-T1-3 (WW4235-18); 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 18 on Agenda of February 18, 2004, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented. Council Member Goldberg absent.

Council Member Quan stated that they understood there may be some tax delinquency on the item and moved to postpone Item No. 38 for one week, seconded by Council Member

Alvarado. All voting aye Nays none. Council Member Ellis out of the city on personal business. Council Member Goldberg absent. MOTION 2004-0219 ADOPTED.

39. MOTION by Council Member Alvarado/Seconded by Council Member Quan to adopt recommendation from Finance & Administration Department to award to **XL PARTS, LLC (Bid Nos. 3 and 2)** for Automotive Bearings and Power Transmission Components for Various Departments - \$105,045.00, minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$3,151.35 for a net award amount not to exceed \$101,893.65 General, Enterprise and Fleet Management Funds – **(This was Item 20 on Agenda of February 18, 2004, POSTPONED BY MOTION #2004-196)** – was presented. All voting aye Nays none. Council Member Ellis out of the city on personal business. Council Member Goldberg absent. MOTION 2004-0220 ADOPTED.

Mayor White stated that there was a group present who were studying local government, that the Hang-Jzoo Local Government Officials had been present in Council studying constituent response by the public and asked that the members of the delegation stand and be recognized.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Galloway stated that the ACLU and the NAACP were going to be having a racial profiling townhall meeting that evening from 6:00 p.m. to 8:00 p.m. at the IBW Hall located at 1475 , that she would like for all of her colleagues to come out because they would be having Dr. Dwight Steward from Steward Research, who prepared all of the statistics on the racial profiling, that the LULAC would be there as well. Council Member Goldberg absent.

Council Member Green stated that as to the Metro Police issue, while he did applaud Metro for firing Mr. Doug Carr as it related to the incident with the cab driver a couple of weeks ago there were some issues that had been brought to light and he had been getting some information from some Metro employees that things of that nature, especially with Mr. Carr, had been going on since as early as 1994 and there had been documented complaints against that officer and some other officers and they had been brought to Chief Lamberts attention back in 1994 and since then, that while he was excited that they had new Metro Board Members coning on, that they make it a priority to reexamine what had been going on in that Police Department, because while that one officer had been disciplined he was still getting complaints about that activity that had been going on for almost ten years. Council Member Alvarado absent.

Council Member Edwards stated that she wanted to acknowledge and hoped that everyone had a very blessed Ash Wednesday. Council Member Alvarado absent.

Council Member Edwards stated that she wanted to thank the Public Works and Planning Department for their help in getting a handle on the Flood and Drainage Committee, that they had been very supportive in their efforts and had taken time with them and she really appreciated it and thought the committee did as well.

Council Member Edwards stated that regarding Spur 527 she would like to thank Mayor White for his leadership and thought a lot of what he did helped to mitigate the problems that were expected on Spur 527, but she still needed to have the information regarding Highway 288 and 610, that she had asked for a report as to planned construction projects within a three year period on them and still had not received it, that she was receiving several calls from people who used Highway 288 as their main area and they were kind of upset.

Mayor White requested that Mr. Jose Soto, Deputy Agenda Director, to work with Public Works and Mr. Saperstien's office to get that information to the Mayor and Council Members who were interested in that as well.

Council Member Edwards stated that about two weeks ago she asked about the Williams Brothers Construction and whatever relationship they had with the City and would still like to get that information, what it was and where they were with that.

Council Member Edwards stated that as to the Miller Theater Board, she would really appreciate their moving on it, she was really concerned that the season was going to start in less than a month and they needed to solidify that board, so whatever they could do to move that forward, and Mayor White stated that he personally did not know what had caused the delay and looked into it, that he was told that it was reaching his desk today and would promptly forward it.

Mayor White stated that Council Member Edwards had asked two questions about Williams Brothers and one of them required a legal answer about coordination with the District Attorney's office and he did review the request, that one of the issues that Council Member Edwards posed to him in writing was the input or consultation that the City through its Legal and Health Division may have on prosecution for environmental violations by the District Attorney's office, and that was what role did or could the City have in connection with providing advice or communication with the District Attorney's office on environmental violations and asked that a brief response be made to Council Member Edwards.

Council Member Lawrence stated that she received a letter from the firefighters, that she had expressed concern a couple of weeks ago concerning their promotions and how they were being recognized and they would be having a ceremony in April, that she was excited that the firefighters who got promotions would be recognized properly.

Council Member Lawrence stated she was very excited about economic development going on in Houston, that she had dinner Saturday night with the new President of Texas Air Helicopters who were now at Hobby Airport, they were going to Dallas to set up a 12,000 plus convention in Dallas and were now talking to the City's Convention and Entertainment Bureau, that they did not realize that Houston could fit their needs so they looked forward to bringing that convention hopefully to Houston, that last night she had dinner with a company and folks they met in Miami and encouraged them to come to Houston because of the superiority of the products they produced and they were now going to be talking with the Port and shipping quite a bit of products to Houston, so economic development looked great for Houston and hoped they continue to bring companies to Houston.

Council Member Garcia stated that El Prado Bakery Café was sponsoring the Council breakfast, that he wanted to recognize Ms. Sandra Somoza, the owner, and her staff for the great and wonderful breakfast they had, that prior to El Prado opening it was a store that had been a particular problem for the neighborhood, it was at 515 Patton, that it had been tagged with graffiti and now it was a vibrant looking business, that he already had a meeting there and would encourage the Council Members to visit the location.

Council Member Garcia stated that he wanted to remind their constituents that they were having their CIP meeting on March 3, 2004 at the Northline Mall Houston Community College Campus Systems Auditorium at 6:00 p.m.

Council Member Garcia stated that he would remind them that the Conoco Phillips Fun Run would be held on Saturday, that part of it would be going through Districts I and H.

Council Member Garcia stated that there was an issue that came up last week regarding Contracts for Deed over in the Curry and Highway 59 area and Congressman Green went out and took a look at the issue, that there were a lot of questions surrounding what was happening, apparently people were being able to buy the houses but not the land or vice versa, but non the less folks were being hit with balloon payments, something really bizarre was

happening out there and he would like to encourage someone from the administration to look into it because he did get a letter from Congressman Green expressing his concern and he had asked the Attorney General to also investigate.

Council Member Holm stated that on Monday there was a special meeting called of the Regulatory Affairs Committee to address one issue and that was amending a City ordinance tailoring it to satisfy the desires of one vendor and she had some concerns on several levels, that first she wanted to make it perfectly clear that for her it was not an issue of white tigers at the Aquarium, it was all about process and their responsibility as leaders to the community, the Regulatory Affairs Committee met for over an hour with the intent of asking Legal to draft an ordinance as fast as possible to accommodate the special desires of one individual and they had not taken into consideration that the ordinance was drafted after much consideration in 1999, it was not their cake and they had not discussed in any way or form the consequences of changing that ordinance, their ability to draft ordinances was a tool their City used to define and guide the vision and direction of their future and if they took it so irresponsibly, that she had a subdivision in her community that if they could change an ordinance in the next two weeks it would dramatically affect the way that the district and neighborhood was going to look for the rest of its life, but knew that if they did so they were also going to change the whole future of the City of Houston and those were the things that they really had to consider when they were going into those issues, they had thousands and hundreds residents who had come before the Council who were concerned about the SOB's (Sexually Oriented Businesses) and if they could re-look at those in the next two weeks it would dramatically impact their lives, it was a serious undertaking, that she believed that the Council had been entrusted to make sound decisions on the behalf of 4 million residents and they had to be able to explain themselves to their voters and she was having a hard time justifying that kind of entitlement, she was having a hard time explaining how they could spend that much time and energy, she had been told it would take two full weeks for an attorney, in order to qualify one person and she also needed to know what made one person to be qualified because she had some people who were asking that, and she was also having a hard time trying to convince the citizens of Houston that they were thoughtful and capable leaders when in less than two hours they made such a decision, that she believed in this instance that they really were acting too hastily and that they really needed to be more respectful of their community. Council Member Lawrence absent.

Council Member Holm stated that last week she talked about Fire Station 83 and was happy to say that they were moving forward, it was not exactly where she hoped they would be but on Monday the contractor for Fire Station 83 was found in default and because that contractor was not accountable for his work they would now go back to the bond and reissue a contract and it would be completed and she would really like to thank Mr. Issah Dadoush in Building Services for his work, they would all be working diligently on it and they had his promise that by December District G would have a holiday party in the midst of their new fire station. Council Member Lawrence absent.

Council Member Garcia stated that several folks and project managers and architects and construction companies had also sang Mr. Dadoush's praises, and Mayor White stated that Mr. Dadoush was known for aggressively negotiating for the City's interest and thought that was a real tribute to Mr. Dadoush. Council Member Lawrence absent.

Council Member Alvarado stated that she wanted to commend Council Member Wiseman for the Governance Committee meeting that she held earlier in the week and also the Council Members present, that she found it to be very productive and was impressed with the diligent thought that was put into policies and procedures as it related to public session and calling speakers out of order and felt that they made some progress, and come to find out they really did not have to create new rules and procedures, that they had them in place but it was a matter of enforcement and reminding everyone that they did have policies and procedures in place for a reason and that was to conduct business in an orderly and timely manner. Council Member Lawrence absent.

Council Member Alvarado stated that she wanted to recognize Council Member Holm who would be honored next week as the Scenic Star by Scenic Houston. Council Member Lawrence absent.

Council Member Sekula-Gibbs stated that she wanted to give some kudos to Council Member Galloway who had really been a leader in bringing attention in the Acres Homes area regarding concerns that the neighbors had of toxic dumps, that she knew Council Member Galloway had a very important meeting in the Acres Homes area last night with representatives from the EPA and the Texas Department of Health, that it was important for everyone to understand that the departments did not find high level of toxins in the ground studies that they performed and that was good news, that she was sure that the committees that engaged in health surveillance, such as the Quality of Life Committee and the Neighborhoods Committee would maintain an open door to the citizens of Acres Homes and if they had further concerns to please bring them to the Council because they did want to know if other things popped up in the neighborhood. Council Member Lawrence absent.

Council Member Sekula-Gibbs stated that she wanted to remind everybody that early voting had started yesterday and would go through March 5, 2004, both the Democratic and Republican primaries and wanted to encourage everyone to get out and vote, that the primary would be on March 9, 2004. Council Member Lawrence absent.

Council Member Quan stated that he wanted to acknowledge Mr. Jim Dannenbaum, who would be honored as Engineer of the Year by the Texas Society of Professional Engineers on Friday night at a ceremony, that he knew Jim did a lot of work for the City and did a great job. Council Member Galloway absent.

Council Member Quan stated that he looked forward to joining the Mayor on the trail ride on Main Street on Saturday morning. Council Member Lawrence absent.

Council Member Quan stated that he wanted to acknowledge the passing of Ms. Marquita Anderson, that most of the Council Members were familiar with Dr. Sanders Anderson at Texas Southern University and his wife passed recently, that she spent 14 years as a librarian for the City of Houston, that in 1991 she got her dream job as Director of Special Collections for the Ms. Barbara Jordon Collection and the greatest regret was that she was unable to complete the cataloging of Ms. Jordon's collection at the library at Texas Southern University and asked for a moment of silence for Ms. Anderson's memory.

Council Member Berry stated that he had an occasion to be in the northeast part of town twice in the last week and it reminded him to bring back up if they could get some resources and some priority put to the abandoned houses that were half falling over in their neighborhoods that were not occupied that were destroying values. Council Member Lawrence absent.

Council Member Berry stated that he wanted to join a lot of his colleagues in welcoming Ms. Ann Travis and thought she would be a great addition to the administration and hoped she would be a big asset to them in their relations with State and Federal government and thought it would be good for the citizens.

Council Member Berry stated that the Attorney General had requested opinions up through tomorrow, February 26, 2004, that Representative Robert Toltin was working on a plan called the Quick Clear Project Plan with regard to the Katy Freeway, that he did not know who the person in administration was to respond with regard to changing some of the towing fees and incident management specifically along Katy Freeway, but they had asked for comments and he had just found out about it yesterday and would hope they would respond, and Mayor

White asked if it was a special committee that was appointed that was working off of session and Council Member Berry stated yes, and Mayor White requested that Mr. Soto get details.

Council Member Wiseman stated that she wanted to thank her colleagues for attendance and strong participation in the committee meeting yesterday, that they did have a very successful meeting and in fact her office received quite a few calls from individuals who had monitored the meeting on television who had indicated they were looking forward to watching their future meetings, that she knew they would be able to tackle a lot of issues at that committee meeting and wanted to thank the administration for the support they received, that she wanted to thank Ms. Stein for her participation, the Legal Department and Building Services who were very helpful with their issues yesterday.

Council Member Wiseman stated that she received correspondence from a group of parents of Kingwood Middle School students, they had some concerns about a greenbelt tunnel that was adjacent to the middle school property and was a tunnel that children used to go home, whether they rode their bikes or walked and it allowed them an opportunity to travel without having to cross a major thoroughfare, that the problem was that they were having to deal with bullies and other issues of crime under the tunnel, that the parents had tried to get HPD Bike Patrol officers out there but the most they had was a one week period and then nothing, that she would request the administration's assistance in trying to find a way to aggressively address the issue for the protection of the children.

Council Member Wiseman stated that in August 2003 Acting Chief Breshears sent her a memo responding to an issue that was similar to the previous one and that was a request for bike patrols in the Clear Lake area around some middle schools, there were problems there that people were having, that Chief Breshears stated in his memo that the bike patrol would be reinstated but had recently heard that it had not happened, that she had not had any response on it and would appreciate the assistance of the administration, and Mayor White stated that they had Chief Wong from HPD present and would get her a response on that, that as they moved into the new budget year one thing he was apprehensive about was making commitments that last for three months and then were discontinued, that he was not saying that it was applicable to that particular situation, however he did know that the issue of some of the specialty patrols or missions would be looked at hard within the HPD budget.

Council Member Wiseman stated that they had a large park in her district, Law Park, and from August through November the Greater Pop Warner Football League used the field and it was not unusual for Saturday day games to have between 2,000 and 3,000 players and family members at the park, that the bathroom facilities at the park had been removed, which was a great concern to her, that there was a building structure there but they had put brand new doors and locked it up and removed all of the amenities out of them and in place they had put one to sometimes two port-a-cans out there and for 3,000 people that was not acceptable, that they had to supplement the port-a-can usage by leasing some themselves and was not an environment that she thought was acceptable for the children and their families, that the Parks Director was trying to find some grant funding and thought it would be important to provide that service to those folks, that they had inadequate parking also, and to make matters worse when they made the drive to the park they had to drive along Vasser Road where the park was and the open ditch right-of-way was atrocious there was debris all through there and they tried to get it cleaned out through Solid Waste and had not had any success in that, so she would request assistance from the administration in trying to address that. Council Member Quan absent.

Council Member Alvarado stated that several years back the administration made a change to close bathrooms for safety reasons and to implement the port-a-cans at the park sites and in her district it had not really worked well because a lot of the port-a-cans were not maintained and tended to on a regular basis and when they had little league, football or baseball they had hundreds of people coming to the park it did not work well for that type of

crowd, that she hoped under the present administration that whole issue would be revisited, that Commissioner Silvia Garcia and Council Member Vasquez were at one time working on a park project at Mr. Tony Marron Park, the County was willing to pay for the bathroom and there were issues that the Parks Department did not want to accept that because of the new policy. Council Member Quan absent.

Mayor White stated that Mr. Terrance Fontaine, Deputy Chief of Staff, was working with the Parks Department to take a look at that, that they had been doing a few things with the Parks Department within the last month aggressively pursuing cooperative relationships with the County and County Constables and those were some other alternatives that they needed to explore on a specific basis. Council Member Quan absent.

Council Member Galloway stated that on the park issue it was because of the budget cuts and they did not have the staff in order to go around to the various parks to unlock the doors and open the parks facilities up and many of the restroom facilities were closed at various parks and that was what had been going on. Council Member Quan absent.

Council Member Wiseman stated that one thing that could be looked at was issuing keys to the organizations and they would very well take responsibility for the maintenance and upkeep of the facilities. Council Member Quan absent.

Council Member Goldberg, with microphone in hand, got on his knees in the audience and proposed marriage to Ms. Annette Guajardo and she accepted his proposal. Mayor White and Members of Council congratulated the couple and wished them the best on their engagement and impending marriage.

Council Member Edwards stated that she wanted to thank Mayor White for walking the walk, when he signed on with the community and aiding them with their protest of the concrete plant some of the adjectives that she heard from the community were powerful, awesome and he's for real, that she wanted to say that the Greater Sunnyside area of Houston thanked him for his leadership, standing with the community and fulfilling his word. Council Member Goldberg absent.

Mayor White stated that one question was asked of him from the neighborhood and that was if those companies sold to the City of Houston and as they knew they had expressed their opposition to the regulatory authorities through legal counsel, but he did not see if anybody would count on the City of Houston for business why they would locate a plant in protest of the City of Houston. Council Member Goldberg absent.

Council Member Galloway stated that was why Mayor White was going to receive the Texas Hero Award at the TSU Black and White Ball. Council Member Goldberg absent.

Council Member Quan stated that yesterday the Harris County Medical Society honored Council Member Sekula-Gibbs for her work on access to health care for the citizens of the county. Council Member Goldberg absent.

There being no further business before Council, the City Council adjourned at 10:25 a.m. upon MOTION by Council Member Wiseman, seconded by Council Member Sekula-Gibbs. Council Members Goldberg absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary