

City Council Chamber, City Hall, Tuesday, January 4, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 4, 2005, Mayor Bill White presiding and with Council Members Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D. and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office and Ms. Marty Stein, Agenda Director, present. Council Member Toni Lawrence absent on personal business. Council Member M. J. Khan absent. Council Member Ronald C. Green out of the city on city business.

At 2:15 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Sekula-Gibbs. Council Member Sekula-Gibbs stated that she had an important presentation addressing the need for blood and invited Mr. Bill Teague, the director for the Blood Center of the Gulf Coast Region to the podium. Council Member Sekula-Gibbs invited those present with Mr. Teague to stand to be recognized and stated that approximately 240,000 units of blood and blood components were used in this region every year and presented a Proclamation to Mr. Teague proclaiming the month of January as "National Volunteer Blood Donor Month". Mr. Teague thanked all for the Proclamation and stated that 2,000 units of blood daily was transfused from this region and there was no substitute for it. Council Members Goldberg, Wiseman, Holm, Garcia and Berry absent. (NO QUORUM PRESENT)

At 2:25 p.m. Mayor White called the meeting to order and called on Council Member Sekula-Gibbs who invited Reverend Cooper of Uvalde Baptist Church to lead in prayer and Council Member Sekula-Gibbs led all in the pledge. Council Members Goldberg, Wiseman, Garcia and Berry absent.

At 2:27 p.m. the City Secretary called the roll. Council Member Lawrence absent on personal business. Council Member Khan absent. Council Member Green out of the city on city business. Council Members Goldberg, Wiseman, Garcia and Berry absent.

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

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Wiseman, Garcia and Berry absent.

Ms. Jeanette Anderson, 1426 Cool Spring Dr., Houston, Texas 77088 (281-847-4379) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Wiseman, Garcia and Berry absent.

Ms. Rhonda Stewart, 2923 Rigel Road, Houston, Texas 77088 (281-820-5426) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Wiseman, Garcia and Berry absent.

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

Ms. Vicky Keller, 411 Elder Vista, Webster, Texas 77598 (832-216-5446) appeared, presented information and stated that December 8, 2004 it was reported that the Houston Fire Station 94 would be closed temporarily to build a new station and that was the only

communication Clear Lake residents had and that became an issue when 22 families at the Piper Coves Apartments were made homeless on December 22 due to a three alarm fire; that she could not understand why notices were not sent out to make residents aware and the information she provided showed that Fire Station 94 in comparison with the three left which would be covering the service area was the busiest station of all and had exceeded its call goal by an average of 450 calls and she could not see how the remaining stations would handle what was needed. Council Members Goldberg, Wiseman, Garcia and Berry absent.

Mayor White stated that there was a couple of points she addressed and the first bothered him a bit and not just with respect to this but on any action the city was to take; that they did what they normally did when they built fire stations in all parts of the city and it was the same communication plan; that the Council Member was consulted in connection with the CIP plan and the station reconstruction was handled in the same manner as all other fire stations and Chief Boriskie did sit down with the Clear Lake Newspaper, but one issue raised as to why in this age of modern information technology could not something be figured out to keep communities better informed and that was being worked on and on the issue of the deployment of the apparatus what the procedure had been in all other Council districts was to have those areas served by the adjacent stations with the staffing sufficient based upon the Fire Department's calculation of the number of calls; that he, Chief Boriskie and their Council Member were monitoring the response times to make sure there was adequate apparatus so they came within the acceptable response time per their certification for the city as a whole; that a lot of stations were rebuilt and had calls handled by adjacent stations, but if they were not able to do that they would rethink the policy and if they could do it they did not want to create special policies for special districts; and Ms. Keller stated that she would like another truck in Station 71 or 93 so they would not be shorthanded; and Mayor White stated that they were monitoring and if they saw another apparatus was needed; and Ms. Keller stated there was already a problem as there were 22 families displaced with the three alarm fire; and Mayor White stated that the response time for that was seven minutes and Houston was better than most cities with a goal of five minutes, he investigated as to whether the issue was because of lack of apparatus or distance traveled and was waiting for information. Council Members Galloway, Goldberg, Garcia and Berry absent.

Council Member Sekula-Gibbs thanked Ms. Keller for coming and bringing attention to the matter and she was correct it was a very busy station and there was a massive fire just two days after that closing; that Council Member Wiseman requested opportunity to relocate the Station 94 staff to the adjacent fire houses and considering the volume of calls that station received she felt it should be considered; that she would like to know the plans and the timeline for opening the new station and let those citizens be assured of having the new station; and Mayor White stated that he would be happy to provide information to Council Members which was in the adopted CIP regarding building a new fire station and the timetable for completion would be a lot faster than what was seen with many other stations; that the question he asked was if the seven minute response time due to the fact of no adequate apparatus or crews available; and Ms. Keller explained how traffic was backed up and Mayor White stated that was his question, whether it was difficult for that apparatus or any apparatus to get there or was it a lack of apparatus; that if there was not enough fire engines or crews they should have them, but if it was where traffic was tight and even if they were disbursed it took awhile to get there, but he appreciated her coming. Council Members Galloway, Goldberg, Garcia and Berry absent.

Council Member Wiseman stated that she appreciated the interest being taken; that they had been working hard to make sure there was a permanent station there and it was in the CIP, but beyond the need for that permanent station there was a need for an additional station in Clear Lake and that was also in the CIP so they were short on insuring protection in the area; that she appreciated Council Member Sekula-Gibbs's support as a Clear Lake resident she had a stake in the issue, but the question on response time there was a seven minute response, however, it was due to the tragedy of a death of a firefighter from Baytown that they had blessings that day, the responding company was at a nearby funeral home preparing for the

funeral and were on the right side of the freeway to respond, but she wanted everyone to understand that the seven minute response time was very much affected by the fact they were nearby and if there was a suggestion that was a sufficient response time and that was what they would get on a regular basis it was not the case, they were very fortunate that time; that as the Council Member she was consulted and had been very active as was the community, but it still came as a surprise to her, Council Member Sekula-Gibbs and the community that the companies at the station would be disbursed throughout the area and not placed in the Clear Lake area; that she gave Chief Boriskie information on the unique situations with Kingwood and Clear Lake being peninsula communities and they were not looking for special policies but the same type of protection as the rest of the city and the Chief said he agreed with her philosophically that the company needed to be reassigned there, but it was not in his budget and the budget was done prior to the CIP and there was nothing in the budget hearings or documentation that suggested the company would be disbursed throughout the city and she was requesting the policy be revisited; that she knew Mayor White was interested in the community's wellbeing and she appreciated it, but was asking that he work with her and the community to make sure the company was reassigned in the area as it was definitely needed. Council Members Galloway, Goldberg, Edwards, Garcia and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that from last week the contractor had 365 days to complete and in part because of the issues in the community, because they were geographically distant and he was saying this to share information. Council Members Galloway, Edwards, Garcia and Berry absent.

Mr. Joseph Omo Omuari, 2820 Palm 2B, Houston, Texas 77004 (713-723-3453) appeared and stated that today he was requesting funding for the Black History Month for Children at Risk Program; that their project this year was the African American Month History Performance and Lecture Series and Children at Risk Program where 10,000 at risk children would be exposed to the African American play "Porky & Bess"; that he knew this was a time of economic times, but knew Mayor White could use discretionary funds for the event or to use the Sports Authority for the project and he was asking what means he had to help get this to take place. Council Members Galloway, Edwards, Wiseman and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Omuari stated that he was requesting a \$150,000.00 grant; that after doing his research he understood the Cultural Arts Council gave grants a year ahead of time so the ones to be implemented were already given. Council Member Sekula-Gibbs stated that these things did take time and she thought more time would have been needed, but she did appreciate his work. Council Members Galloway, Edwards, Wiseman and Berry absent.

Mayor White stated that he appreciated him coming today, but he did not think on any occasion they considered at the table a particular request through CACH and they did have their own board. Council Members Galloway, Edwards, Wiseman, Garcia and Berry absent. (NO QUORUM PRESENT)

Mr. Tom Bregel, 1644 Crestdale Drive, Houston, Texas 77080 (713-461-3258) appeared and stated that he was present to speak on the new towing ordinance and he was a contractor and his business was in his truck, all files, etc., in his truck; that he recently found out he could have his truck towed where he wanted and not necessarily to a storage yard, but he had a regular company to tow and anyone else was going to have a hard time getting it; that they should also consider if a family broke down how were they going to put them all in the truck. Council Members Galloway, Edwards, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

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

Edwards, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Ms. Patti Aldredge, 6936 Burgess, Houston, Texas 77021 (713-703-9431) had reserved time to speak but was not present when her name was called. Council Members Galloway, Edwards, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Ms. Dorothy Hubbard, 2701 Mansfield Road, Houston, Texas 77091 (713-681-6657) had reserved time to speak but was not present when her name was called. Council Members Galloway, Edwards, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

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

Mr. Dale Steffes, 12510 Carriage Hill Drive, Houston, Texas 77077 (281-497-4349) appeared, presented information and stated that he was present to speak on energy; that the energy plan being presented in Austin was much like the previous plans and the studies did lack a lot but still went on and on; that he would like Houston to remain the energy capital of the world and for that reason he had created the Houston Energy Chamber of Commerce and he was asking for nothing but wanted the Mayor and Council to be aware; that his plan had actual dollars and the model would work. Council Members Galloway and Berry absent.

Mayor White thanked Mr. Steffes for coming and for the materials he had been sending him for years. Council Members Galloway and Berry absent.

Ms. Sandra Lopez, 2805 Lockett, Houston, Texas 77021 (713-741-0650) appeared and stated that she was chair of the Central City Preservation Committee and was present on their behalf; that they held a meeting and still strongly opposed building the Texas Medical Center garage in their neighborhood and they were asking the Mayor and Council to help them preserve their neighborhood; and thanked all Council Members who had assisted them. Council Members Galloway, Sekula-Gibbs and Berry absent.

Ms. Kay G. Schiller, 2805 Lockett, Houston, Texas 77021 (713-741-0650) appeared and stated that she was strongly opposed to the building of the parking garage by the Texas Medical Center in their neighborhood; that she stated on December 21st the garage was for the convenience of the employees and served no public good; that numerous alternatives were proposed to TMC but they still moved ahead; that they did have deed restrictions but the Medical Center felt they did not apply to them and they were asking for the Mayor and Council's assistance. Council Members Galloway, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Edwards thanked Ms. Schiller for her work and commitment and stated that last week they had a meeting with the garage operations manager and other members of the group and asked what benefits the garage was to the community and all they kept saying was it was for the convenience of the employees and it was more cost effective; that they respected the work of the Medical Center, but did not want the garage and regarding eminent domain they understood was based on public good and when they asked what public good there was they could not give any and they were going to fight this and needed all the support they could get. Council Members Galloway, Alvarado, Sekula-Gibbs and Berry absent.

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was demanding protection; and continued expressing his personal opinions until his time expired. Council Members Galloway, Sekula-Gibbs and Berry absent.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God; and continued expressing his personal opinions until his time expired. Council Members Galloway and Sekula-Gibbs absent.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (713-654-0037) appeared and stated that on the proposed smoking ordinance if the Mayor would get restaurants and bars to give proper notice to non smokers there would not be an issue with a complete ban on smoking; and if Texas did not allow drinking at bus stops the issue of smoking at bus stops needed to be addressed and he wanted to know if the Mayor would be taking any action. Council Members Galloway, Sekula-Gibbs and Berry absent.

Ms. Joy Wilson, 2616 S. Loop West, Houston, Texas 77054 (no phone) had reserved time to speak but was not present when her name was called. Council Members Galloway, Sekula-Gibbs and Berry absent.

Mr. William Barker, 9966 Kirkdale, Houston, Texas 77089-22002 (281-481-8730) had reserved time to speak but was not present when his name was called. Council Members Galloway, Sekula-Gibbs and Berry absent.

At 3:24 p.m. City Council recessed until 9:00 a.m., Wednesday, January 5, 2005. Council Member Galloway out of the city on city business. Council Member Lawrence absent on personal business. Council Member Khan absent. Council Member Green out of the city on city business. Council Members Galloway, Sekula-Gibbs and Berry absent.

City Council Chamber, City Hall, Wednesday, January 5, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 5, 2005, with Mayor Bill White presiding and with Council Members Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Member Toni Lawrence absent on personal business. Council Member M. J. Khan out of the city.

At 9:33 a.m. Mayor White reconvened the meeting of the City Council. Council Member Garcia absent.

Mayor White recognized Council Member Alvarado for a point of personal privilege. Council Member Garcia absent.

Council Member Alvarado stated that she was pleased to recognize their TLIP (Texas Legislative Intern Program) who were again sponsored by Senator Rodney Ellis and former Council Member Jew Don Boney, who was leading the group and invited former Council Member Boney to the podium.

Council Member Boney asked the interns to come forward and be recognized, that the Texas Legislative Intern Program was sponsored by Senator Ellis, that many of the interns had worked in the City Council offices in the off year and during the session year they worked in Austin at the State Legislature, that they had five interns from South Africa, several from Louisiana and Texas and one from Washington, D. C., that it was a very diverse group and they were the most talented young people and were all college students who would earn academic credit and would also earn a salary, that they would be senior staff persons in legislative offices, that Ms. Karen Domino and Mr. Michael Lazlo from Senator Ellis office were also present, that the Mickey Leeland Center On World Hunger and Peace worked with Senator Ellis's office and it was in his name and legacy that these programs continue. Council Member Garcia absent.

Mayor White stated that there would be no Mayor's Report today but they would have a conference on the fitness council at 1:30 p. m., that they had set some goals, that the Men's

Fitness Magazine would be covering Houston throughout the year on the City's program to get out of the top 5, that they wanted to get out of the top 10, that he needed help from the Council Members because they were going to have a very ambitious program, that Council Members had already suggested individuals who were going to participate on the Mayor's Council that would be announced this afternoon on a fitness challenge to all Houstonians.

Members of Council commended Mayor White for taking an inappropriately titled award and put a positive spirit on it for the City of Houston and for a summer program called Kid Fit which was a cooperative program with the City Parks and Recreation Department and Texas Children Hospital as well as Metro.

MAYOR'S REPORT

9:00 A.M. - **REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Ms. Annise Parker, City Controller, stated that yesterday she distributed to Members of City Council the City's Comprehensive Annual Financial Report and presented the Mayor with his in the morning and was not going to go over the report but wanted to note that they had distributed one to each Council office and was delivered to the bond holders on time last week, that she wanted to thank her staff and the financial reporting division of the Controller's office that coordinated everything but also the members of the Controller's office that worked on it and members of the Finance and Administration Department, the independent auditors, Deloitte and Touche and the many City employees who contributed to the data that went into the report, that Council Members who needed more information and would like someone to walk them through the highlights they would be glad to set meetings to do that, that she would encourage them to at least read the second section, the Financial Section, which was in essence an executive summary of what was in the rest of the book in text form; that as to the Monthly Financial and Operations Report, there was not much change, however they were still currently projecting a shortfall in the General Fund of \$24 million which was in essence a shortfall that they had estimated since the budget was passed and was largely the differences in the Sales Tax and Property Tax Revenues with the administration, the difference was down about \$1 million from the October report, the decrease was attributed to an increase in projected revenues and a slight decrease in expected expenditures; in the Revenue category gas franchise fees were up by a projected \$1.4 million due to higher natural gas prices, there were two areas of offsetting increases and decreases due to a policy change the Solid Waste Department now had responsibility for Dumpster Permit Enforcement and she knew that some of the Council offices had received calls about the fact that they were stepping up enforcement on dumpster permits but there were some start up costs of approximately \$1.5 million, much of that was a one time cost that program revenues were now projected at \$1.2 million, which appeared to be a conservative estimate but again the start up costs were going to be offset by increased revenues over the next few years, that there was a \$2 million decrease in revenues anticipated from Direct Interfund Charges that would be offset by a corresponding decrease in spending by the Public Works Department, the change was related to personnel reductions in the Public Works Department and was an issue that Council Member Sekula-Gibbs tracked regularly, that Public Works routinely used bond funds to pay the salaries of employees who worked on Capital Improvement Projects due to higher than anticipated vacancies in personnel there were fewer employees being paid out of bond funds and therefore less activity in terms of moving money in Direct Interfund Charges, that they had not adjusted the Sales Tax Revenues as yet, they did not have the December Sales Tax numbers in, they were all aware that much of the City's Sales Tax Revenue was from business to business activity but the retail Sales Tax would have a big impact and they would like to get those numbers in before they made a final adjustment on that, that she wanted to announce some good news about the refinancing of more than \$1.5 billion in Water Sewer System Escrow Accounts, so far they had needed savings of just under \$15 million for the combined utility system and they hoped to be able to increase or double those savings to about \$30 million, that under federal regulations, which were currently under review and

even subject to change, they had until February 3, 2005 to lock in the additional revenues which were tracking interest rate changes, to hit the \$30 million mark interest rates would have to go up about 18 basis points by the February 3, 2005 deadline, and that concluded her report. Council Member Berry absent.

Ms. Judy Gray Johnson, Director, Finance & Administration, stated that as the Controller stated they did not have much change in their report either, this month their revenues for the General Fund were down very slightly from last month with a few offsetting ups and downs, the largest revenue sources, which were Property and Sales Taxes were still tracking a bit higher than budget, Electric and Telephone Franchises were tracking very close to the budget and Gas Franchises were expected to exceed the budget so the largest revenues were holding well at budget or above budget, they had some concern of Municipal Court Revenues and they had lowered their estimate for the total year for court revenues by \$1 million and would have a full analysis on that before next month, it was something she knew had been a challenge in the past and they had some meetings set up to dig into it and make sure they had a better analysis of what the cause and effect were, that revenue per ticket was lower than anticipated but traffic citations did increase a bit in November, that ambulance collections were also of concern and they had a presentation to the Fiscal Affairs Committee yesterday and talked a little about the causes of that, that primarily they were finding that collections from Medicare, Medicaid and private insurance had gone down with increased rates of denials of claims, they had a great effort put together to rebill all those claims and reanalyze them and try to collect those revenues, that she wanted to correct a statement that she made yesterday to Council Member Edwards regarding the fuel costs, that she referred to a memo that was sent on December 23, 2004, it was supposed to go to City Council but unfortunately the memo went to the Mayor only and was being distributed to everybody today, and that concluded her report. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she wanted to thank them for the report and appreciated the fact that the salary recovery had been reduced and in addition she wanted to thank Mr. Gary Gray and the staff from ACS for giving them an excellent report yesterday regarding the EMS service, that it was pretty detailed and they had the opportunity to question and learn from Paramedic Barkdull, who was an on the ground expert on EMS transports and he brought a lot of information to them about the problems and opportunities for improvement, that they discussed going forward with the format and the Chairman of Fiscal Affairs asked her to regroup with those individuals and bring back to Fiscal Affairs some suggestions and hopefully some implementations as well of ways to improve collections.

Council Member Alvarado stated that as long as they continued to have a rise in uninsured people in the City the problem was never going to end, that 43% of the people billed for ambulance transport were uninsured but they only got back 8% versus 22% billed to Medicare but yet the return was 37% and then 19% was Medicaid and the return was 19%, there was a huge discrepancy, that the problem was a lot bigger than the City Council and they needed Legislative help, that she wanted people to be aware of it, that it needed to be addressed and they needed some action sooner rather than later.

Council Member Ellis stated that he wanted to compliment Council Member Sekula-Gibbs for taking on the role to spearhead and work with F&A and EMS and with the collection agency and he looked forward to her report back to the committee.

Council Member Ellis moved to accept the Monthly Financial Report, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0001 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 35

MISCELLANEOUS – NUMBER 5

5. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** for fifty-one (51) Civic Organizations for law enforcement services of Constable Precincts 1, 4, 5, 7 as well as the Sheriff of Harris County - was presented, moved by Council Member Green, seconded by Council Member Quan. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0002 ADOPTED.

ACCEPT WORK - NUMBERS 8 and 11

8. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,040,499.00 and acceptance of work on contract with **R. H. TONETTI CONSTRUCTION COMPANY** for Park Place Regional Branch Library Repair, GFS E-0127-01-3 03.804% over the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0003 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,767,869.80 and acceptance of work on contract with **C & C SERVICES** for Construction of Water Line Replacement in Ashford Park Subdivision, GFS S-0035-82-3 (WA10668) - 06.72% under the original contract amount - **DISTRICT G - HOLM** - was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0004 ADOPTED.

PROPERTY - NUMBERS 12 and 12A

12. ORDINANCE appropriating \$287,451.00 out of Fire Consolidated Construction Fund Number 413 to Supplement the Funds needed to pay the amount of the Award of Special Commissioners and all costs of Court in connection with the eminent domain proceeding styled City of Houston v. Catherine L. Coats, et al., to acquire Parcel Number HY2-002 for the **FIRE STATION NO. 37 RELOCATION PROJECT**; GFS/CIP C-0147-01-3 - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0001 ADOPTED.
- 12a. RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners into the registry of the Court, pay all costs of Court and file objections to the Award in connection with eminent domain proceeding styled City of Houston v. Catherine L. Coats, et al, Cause No. 803,907, for acquisition of Parcel HY2-002; for the **FIRE STATION NO. 37 RELOCATION PROJECT**; GFS/CIP C-0147-01-3 - \$1,509,701.00 - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0005 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 21

13. **TYMCO INTERNATIONAL, LTD.** for Street Sweepers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Airport System \$340,684.75 - Enterprise Fund - was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0006 ADOPTED.

14. **THE MALLORY COMPANY** for Fire Hose Dryers for Building Services Department - \$40,250.00 Fire Department Revolving Fund - was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0007 ADOPTED.
17. **FLIR SYSTEMS, INC** for Airborne Dual Sensor Thermal Imaging System Repair Services for Houston Police Department - \$35,069.00 - General Fund - was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0008 ADOPTED.
18. **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$515,326.00, **UNDERGROUND MARKETING** \$190,450.00, **HOUSTON FREIGHTLINER, INC** - \$87,614.00 and **VECTOR MANUFACTURING, INC** - \$181,015.00 for Medium and Heavy Duty Cabs & Chassis and Truck Bodies through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - \$974,405.00 - Enterprise Fund - was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0009 ADOPTED.
20. **MUSTANG MACHINERY COMPANY, LTD., dba MUSTANG CAT** for Equipment, Caterpillar Tractor Parts and Service for Various Departments - \$321,678.10 - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0010 ADOPTED.
21. **FORMS WORLD, INC (Bid No. 3)** for Continuous Forms for Various Departments - \$435,008.18 minus a commission fee (2% for Internet based reverse auction services) for a net award amount not to exceed \$426,308.02 - General, Enterprise and Central Service Revolving Fund - was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0011 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 24 and 25

24. ORDINANCE consenting to the addition of 29.1273 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0002 ADOPTED.
25. ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 168** - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0003 ADOPTED.
34. ORDINANCE de-appropriating \$400,000.00 from Convention and Entertainment Construction Fund appropriated under Ordinance No. 2002-0284, \$700,000.00 from Convention & Entertainment Development Fund appropriated under Ordinance No. 2001-0812, and \$500,000.00 from Convention & Entertainment CP2002 Series A Construction Fund appropriated under Ordinance No. 2002-1178; appropriating \$400,000.00 from Convention & Entertainment Construction Fund, \$700,000.00 from Convention & Entertainment Development Fund, \$500,000.00 from Convention & Entertainment CP2002

Series A Construction Fund and \$413,825.00 out of Civic Center Facility Revenue Fund, awarding construction contract to **DIVISIONONE CONSTRUCTION, LLC** for Construction of Wortham Center Orchestra Pit Enhancement, GFS B-0078-01-3, setting a deadline for bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Convention & Entertainment Construction Fund, Convention & Entertainment Development Fund, Convention & Entertainment CP2002 Series A Construction Fund and Civic Center Facility Revenue Fund - **DISTRICT I – ALVARADO** – had been pulled from the Agenda by the Administration, and was not considered.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER SEVENTEEN, CITY OF HOUSTON, TEXAS (MEMORIAL CITY) BOARD OF DIRECTORS:**

MR. CHARLES S. TURET, JR., reappointment as Chair, for a term to expire
12/31/2005

Position 2 - **MR. KENNETH E. ARNOLD**, appointment, for a term to expire 7/20/2006

Position 4 - **MR. MARK A. ANAWATY**, appointment, for a term to expire 7/20/2006

- was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0012 ADOPTED.

2. REQUEST from Mayor for confirmation of the reappointment of **MR. CHARLES S. TURET, JR.**, as Chair, to the **MEMORIAL CITY REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term ending 12/31/2005

- was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0013 ADOPTED.

Council Member Holm stated that she wanted to take the opportunity to state how excited they were to have the reappointment of Mr. Chuck Turet as Chairman of the TIRZ 17 and the appointment of Mr. Kenneth Arnold and Mr. Mark Attaway, and asked Mr. Turet to stand and be recognized, that she was pleased to announce that the TIRZ had also hired an Executive Director for the TIRZ and the Management District, Mr. Robert Fiderlien and asked that he stand and be recognized.

Mayor White stated that he wanted to thank Council Member Holm for her assistance in helping shape the leadership of the TIRZ.

3. REQUEST from Mayor for confirmation of the appointment of **MR. ETAN MIRWIS**, to Position Thirteen of the **PLANNING COMMISSION**, for an unexpired term ending March 31, 2005

- was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0014 ADOPTED.

Council Member Goldberg stated that Mr. Mirwis was also present and asked that he stand and be recognized and congratulated him on the appointment.

Mayor White stated that he solicited various suggestions from Council Members of people who had the combination of community activist and business sense on the Planning Commission and there were several Council Members who wrote back with Mr. Mirwis's name and wanted Mr. Mirwis to know he was a very special person.

Council Member Quan stated that he wanted to second what had already been said, that Mr. Mirwis was a very persistent and hard working individual who was working very diligently behind the scenes on issues that really affected the community and was glad he was now a member of the Planning Commission.

4. RECOMMENDATION from Director Building Services Department for Supplemental Allocation of \$25,675.00 for Professional Design Services Contract with **ASPEN CIVIL DESIGN, LLC** for Smith Branch Public Library Parking Lot Expansion, GFS E-0078-02-2 - CDBG Funds **DISTRICT D – EDWARDS** – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0015 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering to approve refund for Water & Sewer Account of United States Gypsum Co. - \$433,649.08 - Enterprise Water & Sewer Fund – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0016 ADOPTED.

ACCEPT WORK

7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$231,600.00 and acceptance of work on contract with **NBG CONSTRUCTORS, INC** for City Hall Annex Garage (Margaret J. Westerman Building) Flood Damage Repair, GFS D-0113-03-3 - 04.58% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0017 ADOPTED.
9. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$86,950.00 and acceptance of work on contract with **CST ENVIRONMENTAL, INC** for Riverside Health Clinic, GFS H-0052-01-5 - 04.95% over the original contract amount **DISTRICT I - ALVARADO** – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0018 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,028,384.75 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.**, for Construction of Neighborhoods to Standard, Tier IX Overlay, GFS N-1037-02-3 (OL2039) - 39.99% over the original contract amount - **DISTRICTS B - GALLOWAY; D - EDWARDS; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Ellis, seconded by Council Member Quan. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0019 ADOPTED.

PURCHASING AND TABULATION OF BIDS

15. **AMEND MOTION #2004-380, 4/14/04, as amended by Motion #2004-876, 8/4/04 and #2004-972, 9/8/04, TO INCREASE** spending authority from \$1,288,000.00 to \$2,788,000.00, for Ultra-Low Sulfur Diesel Fuel from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department, awarded to **VALERO MARKETING AND SUPPLY COMPANY** \$1,500,000.00 - Central Service Revolving Fund – was presented, moved by Council Member Ellis, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0020 ADOPTED.
16. **FIND CUSTOM PLAYGROUND DESIGNS, INC** in default and declare them non-responsible for two years due to failure to deliver complete shipments on award for Replacement Playground Equipment for Parks & Recreation Department – was presented, moved by Council Member Quan, seconded by Council Member Alvarado/

Council Member Sekula-Gibbs stated that she wanted some information, that the City was moving to declare Custom Playground Design as non-responsible which meant they were not going to do business with them for two years because they did not live up to their agreement to provide playground equipment for the Parks and Recreation Department, that it was her understanding that the owner of the company could dissolve the company or recreate a new company and come back to the City tomorrow and do business with the City without remedying the problem and living up to her responsibilities to the City and wondered if there could be a way to somehow hold the principal of the company responsible so that she would be the one who would actually not be allowed to do business with the City until the two years were up and not just the company, Custom Playground Designs.

Mayor White asked for an opinion from Mr. Michel and Mr. Michel stated that he would get back with her on the issue.

A vote was called on Item No. 16. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0021 ADOPTED.

19. **ALTIVIA CORPORATION, INC** for Chemical, Inorganic Metal Salt Coagulants Contract for Department of Public Works & Engineering - \$19,031,082.40 - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0022 ADOPTED.

RESOLUTIONS AND ORDINANCES

22. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Variable Rate Demand Multifamily Housing Revenue Bonds, Series 2005 (Fairlake Cove Apartments) and approving the Official Statement with respect to such bonds - **DISTRICT E – WISEMAN** – was presented.

Council Member Wiseman stated that she would be tagging the item, that she had expressed concerns about such a project being proposed for the Huffman area, the project was a low income housing project, that she had written a letter to the State sharing her concerns that such a residential facility in that area of Huffman would be a disservice to their potential residents because of the fact that so many of the services that they were very much in need of would be better able to be accessed being closer into the City, that it concerned her that enough information was not given to the community.

Council Member Sekula-Gibbs asked that her tag be added to the item.

23. ORDINANCE **AMENDING SECTION 2-52 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the authority of the Director of the Finance & Administration Department to Destroy, Dispose, Donate or Sell Surplus City Personal Property - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0004 ADOPTED.
26. ORDINANCE approving and authorizing the Development Agreement between the City and **PNE DEVELOPMENT, LTD.** - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0005
- 26a. ORDINANCE disannexing a certain area located within the municipal boundaries of the City of Houston in Harris County, Texas - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0006
- 26b. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 412** - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0007
27. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY JUVENILE BOARD (HCJBD)** for HCJBD to supply the services of a Juvenile Probation Officer to assist the City in implementing the Gang Free Schools and Communities Project - \$58,073.00 - Grant Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0008
28. ORDINANCE allowing **ENTERGY GULF STATES, INC** to withdraw statement of intent to increase base rates filed by Entergy Gulf States, Inc., ordering reimbursement of rate case expenses incurred on behalf of all Entergy Gulf States, Inc. ratepayers within the City of Houston, Texas, maintaining current rates in effect and denying rate increase request - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0009
29. ORDINANCE approving and authorizing contract between the City of Houston and **CLARENCE A. WEST**, Attorney at Law, for Advice and Counsel to the City of Houston relating to Cable Television Franchise Renewal, Future Community Needs Assessment and Performance Review of Time Warner; providing a maximum contract amount - \$160,000.00 Maximum contract amount General Fund - was presented, and tagged by Council Member Wiseman.
30. ORDINANCE appropriating \$1,000,000.00 out of Airports Improvement Fund, and approving and authorizing Amendment No. 3 to Construction Contract No. 53811 between the City of Houston and **CLARK/MISSION, a Joint Venture**, for ISEP FIS Building Superstructure/APM Station & Platform at George Bush Intercontinental Airport/Houston; Project No. 500F/536C, CIP A-0203 **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0010
31. ORDINANCE appropriating \$300,000.00 out of Airports Improvement Fund, and approving and authorizing Amendment No. 1 to Construction Contract No. 56290 between the City of Houston and **STEWART-MATL, LTD.**, for Terminal E/FIS EDS Interim In-Line Baggage Handling System at George Bush Intercontinental Airport/Houston; Project No. 612B, CIP

A-0486 - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0011

32. ORDINANCE appropriating \$1,036,000.00 out of Airport System Consolidated 2000 AMT Construction Fund (530); authorizing the purchase of land and improvements thereon out of Hartland Acres, W.C.R.R. Co. Survey Section One, A-935, and out of McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-09.1; Project 617; approving purchase and sale agreements with the owners of the land (Mary F. Turrigiano and Jimmy D. Ashley; Francisco I. Rubio and Coralia Rubio; and D. E. Holman and Deanna L. Holman) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0012
33. ORDINANCE appropriating \$92,700.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing the purchase of land and improvements thereon out of Wooded Acres, J. W. McGinnis Survey, A-587, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-56.1; Project 617; approving purchase and sale agreement with the owner of the land (Vivian Brown) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0013
35. ORDINANCE deappropriating \$272,348.82 from the General Improvement Consolidated Construction Fund appropriated under Ordinance No. 97-1032 and \$703,073.28 from the Fire Consolidated Construction Fund appropriated under Ordinance Nos. 96-20, 99-230, 00-131, 01-279, 02-53, and 03-48 for the Renovation/Reconstruction of various Fire Department Facilities – was presented, and tagged by Council Members Wiseman, Garcia and Sekula-Gibbs.

NON CONSENT AGENDA - NUMBER 36

MISCELLANEOUS

36. MOTION to set a date not less than seven (7) days from January 5, 2005, to receive nominations for Positions 17, 20 and 21 of **HOUSTON READ COMMISSION**, with three-year staggered terms from the date of appointment – was presented.

Council Member Ellis moved to set January 12, 2005 to receive nominations for Positions 17, 20 and 21 of the Houston Read Commission, seconded by Council Member Quan. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0023 ADOPTED.

MATTERS HELD - NUMBERS 37 and 38

37. ORDINANCE **AMENDING ARTICLE II OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Planning Commission – (**This was Item 17 on Agenda of December 21, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY**) – was presented.

Council Member Galloway stated that she would offer the following written motion to amend Item No. 37.

“Motion by Council Member Galloway to amend Section 1 of Item No. 37 on the City Council agenda of January 5, 2005 as follows:

Amend the language of the proposed Section 33-14, Code of Ordinances, to delete the words who served as chair for at least five consecutive years” from the end of the third sentence and to insert a new sentence between the third and fourth sentences to read as follows:

In the event that the most recent former chair of the commission is unable or unwilling to serve as an ex officio member of the commission, any former member of the commission with five years experience on the commission may be appointed by the mayor, subject to confirmation by the city council, to serve in the former chair nonvoting ex officio position.”

A vote was called on Council Member Galloway’s written motion to amend Item No. 37. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. MOTION 2005-0024 ADOPTED.

A vote was called on Item No. 37 as amended. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0014 ADOPTED.

Mayor White stated that he wanted to thank his colleagues for all the work that had been done and suggestions on how to improve the Planning Commission, that he wanted to thank all of the Members of the Planning Commission for all their work.

38. ORDINANCE approving and authorizing contract between the City and **HOWELL MIMS ASSOCIATES, L.L.C.** for Building Permit Reform Project - 1 Year - \$96,500.00 - Building Inspection Fund – **(This was Item 26 on Agenda of December 21, 2004, TAGGED BY COUNCIL MEMBER HOLM)** – was presented.

Council Member Holm stated that she tagged the item at the last meeting and continued to have a lot of questions about it, that she thought there were ways to handle management and wondered why some of it was not done in house but the issue that really concerned her was that the item was not appropriate, that it was coming to the City Council for refund or to pay for services that were rendered that did not go through the proper process.

After further discussion a vote was called on Item No. 38. Council Member Holm voting no, balance voting aye. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Khan out of the city. ORDINANCE 2005-0015 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Wiseman stated that she wanted to wish everyone a Happy New Year.

Council Member Wiseman stated that she wanted to thank Mr. Hugo Malanga and Mr. David Worley with Public Works for how promptly they responded to an ongoing issue they had in the Clear Lake area with respect to signalization timing and intersection timing. Council Member Goldberg absent.

Council Member Galloway stated that she wanted to wish all her colleagues and the Houston community a Happy New Year. Council Member Goldberg absent.

Council Member Galloway stated that she started getting calls to her home on January 1, 2005 regarding towing of vehicles on the freeway, that she did not think they informed or educated the public enough, that she was against it because she thought it was going to place a hardship on many of the constituents that she served, that she had put in an amendment that they should tow for free, that they did it in California and she was investigating to see how they were able to do it, that she had a great concern on the issue because she thought it was devastating for people’s cars to be towed

away and many people walked away to get gas or make a phone call and when they come back their car is gone and then they had to pay storage if they did not have the \$75, that when she spoke with Mr. Saperstein about it at the time he said they were going to try to do something for people who could not afford it, that she was really disappointed by the whole thing because she felt they did not iron out all the kinks before they put it in place, that she thought they needed to give a monetary halt on it until they ironed out the kinks and not put people who were already low income and just could afford to barely feed their families to have to shell out \$75 and even more, that she did not think they had the data to substantiate a car being broke down on the side of the freeway causing a major death or accident, that she had asked for the data at the time and it was never provided to her before they passed the ordinance, that they had accidents by other people rubbernecking when there was a group of cars and a commotion going on on the side of the road, but they all knew if it was just a car pulled over on the shoulder or side of the freeway people just zip by, that they may slow down if they thought it was the police, and what if a family had seven or eight people, what were they going to do, just sit them on the side of the freeway, they could not all get into the wrecker truck, that she thought they needed to iron out the kinks. Council Members Goldberg, Alvarado and Ellis absent.

Council Member Wiseman stated that to raise another question what of rental cars, if people were having to pay on the spot, if they were rental cars they were telling people that they had to pay \$75 for a vehicle that was not even theirs, that was a major concern she had, that sent a bad message to the visitors of the City if they were trying to promote tourism and convention business and what about school buses and what would they do with a school bus full of band students and their instruments, that it had to be revisited, that the issue that was being raised throughout the City was that they had overreached because they had included the shoulders, people did not have a problem with the need to clear the moving lanes of traffic, that as her colleague pointed out a vehicle sitting safely on the shoulders did not create a problem and they were not included in the statistical data that had been used to support the passage of the ordinance, that they saw police officers sitting on the shoulders, that she saw two units sitting on the shoulders as she was coming to Council today, if it was such a safety issue that they could not, even for six minutes, have a vehicle sitting on the shoulder why were they allowing that to continue, that they had to amend the ordinance to exclude the shoulders and she thought it would take care of the issue that the State had with them and it would certainly take care of the complaints that they had been receiving from the constituency and they had to regain the trust of the community and they could not damage the reputation of the tow industry any further. Council Members Goldberg, Alvarado, Ellis and Berry absent.

Council Member Green stated that he wanted to congratulate Congressman Al Green and Congressman Ted Poe for being sworn in yesterday in the 108th Congress, that he had a chance to dialog with them regarding some of their legislative issues and highway funding and transportation issues, that they were receptive to working with them. Council Members Alvarado and Berry absent.

Council Member Green stated that Constable May Walker was sworn in yesterday as the first female Constable in Harris County and also Justice of the Peace Zinetta Burney was sworn in at the same ceremony as well. Council Members Alvarado and Berry absent.

Council Member Green stated that starting January 15, 2005 the Texas Friends of Trans Africa Forum would hold several events to raise awareness of some of the human rights issues in Africa as it related to Africans all over the United States and the World, that it was a non profit organization, that on Saturday, January 15, 2005 there would be a jazz concert at the Ensemble Theater, 3535 Main Street and would be featuring Mr. James Tatum, a world renowned classical pianist, on Sunday, January 16, from 3:00 p.m. to 6:00 p.m. at the Ensemble Theater, Mr. Danny Glover, a world renowned international human rights activist and actor would be the guest of honor at a \$100 per person event, and on Monday, January 17, 2005, the Thurgood Marshall School of Law on the Campus of Texas Southern University would host a Martin Luther King Day Symposium and Mr. Glover would be the keynote speaker at that event, it was at 3100 Cleburne at the law school. Council Members Alvarado and Berry absent.

Council Member Edwards stated that the Trans Africa Forum was an education piece of the

Trans Africa Organization which was founded by Mr. Randall Robinson during the 1970's. Council Members Alvarado and Berry absent.

Council Member Edwards stated that she wanted to give a shout out to the Mighty Trojans of USC, that it was an awesome game, that she wanted to say congratulations to them. Council Members Alvarado and Berry absent.

Council Member Edwards stated that she wanted to thank all of the City employees, who throughout 2004, had been working with their office. Council Members Alvarado and Berry absent.

Council Member Edwards stated that the TMC (Texas Medical Center) and Central City subdivision crisis was still at an impasse and she understood that TMC did have the legislative power to use eminent domain if all else fails to build their garage but she would hope they would reserve that eminent domain status for those things that were really in the interest of public safety and public good. Council Member Berry absent.

Council Member Edwards stated that she wanted to thank Officer Lori Bender for being on their program on Sunday regarding the towing issues, that one of the things she really had a concern about was the six minute policy, that she had looked through the ordinance and did not see it in the ordinance, that Chief Breshears said that they did discuss it but six minutes to her was a stupid time limit, that if they were going to say that citizens had the opportunity to try and remedy their situation they should give them a reasonable timeframe, six minutes to her was insane, that she did not know if it was in the policy or not but that was one of the issues that she would like to see them look at, that it was an insult to the community, that Chief Breshears said that they did discuss it in the committee hearings and so forth but she did not recall it, that Lieutenant Bender was on the show for an hour and fielded some really hard questions and did a very good job and she wanted to thank her for coming on the show, and also Chief Montalvo who talked about the red light ordinance. Council Member Berry absent.

Council Member Edwards stated that they had sent a memo to the Mayor's office regarding Balkin Street and the poor construction of some new streets that were constructed totally wrong, that they needed to have an answer back to the community as to where they could go with that and asked that the Mayor's office get back with them. Council Member Berry absent.

Council Member Edwards stated that they had several calls regarding an apartment complex on North McGregor Way called Bayou Landings Apartments, that they worked with those apartments before and they did a lot of Section 8's, that they had complaints about everything from open sewage to alleged misuse of Section 8 payments that were being sent there, that the complex was primarily disabled and senior citizens, that she would like to meet with Council Member Quan and the Housing Committee, that they were having a meeting with Ms. Stiner on the issue within a week or two, that they had so many allegations that she thought it was time for them to hold a formal investigation of what was going on at the Bayou Landing Apartments. Council Member Berry absent.

Council Member Edwards stated that there were a lot of citizens in the community who had done a lot of work who had their birthday the first week in January and wanted to send a shout out and happy birthday to Ms. Judith Momo, Executive Director of Saving Lives Through Alternate Alternatives, Ms. Rose Upshaw, Mr. Bud Johnson of the African American News and Ms. Molly Taylor Stevenson, they all shared the same birthday. Council Member Berry absent.

Council Member Edwards stated that she wanted to wish a Happy New Year to everyone. Council Members Ellis and Berry absent.

Council Member Garcia stated that he wanted to also wish all of his colleagues a happy and prosperous Ano Nuevo, New Year, and looked forward to continuing all of the important work that they had thus far carried out in 2004. Council Members Ellis and Berry absent.

Council Member Garcia stated that he wanted to send a note of appreciation to the South Central Patrol Division, Lieutenant Huntsman in particular, that there was much discussion about the celebratory gunfire on New Year's Eve, that from a resident they passed on some information to Lieutenant Huntsman and he went out and visited the person who was suspected of participating in that type of behavior and they got reports back from the neighborhood saying nothing happened, that he thought some proactive measures of that nature could yield some tremendous results. Council Members Ellis and Berry absent.

Council Member Garcia stated that yesterday he was at the Senate Crime Lab hearings and Senators Whitmire, Ellis and the other folks were really putting a magnifying glass on Houston's commitment to righting the Crime Lab situation. Council Members Ellis and Berry absent.

Council Member Garcia stated that he had been getting all the emails just as everybody else had and was concerned about them as well, that some of the decisions may not be popular but were definitely right, that he would encourage his colleagues to try to explain the truest benefit of the initiative to the constituency, however he wanted to voice a point of concern, he was told specifically by Mr. Saperstien that a hardship clause would be instituted into the contracts and it was not there, that he was told there would be a community service clause so to speak in the contracts and it was not there, that at no time were they briefed on what the ultimate guidelines of Safeclear were going to be and so he thought it needed to be corrected, and to the issue of the time limit, in terms of what occurred after a wrecker arrived he did not think they needed to leave all of the discretion at the wrecker level, that he thought they needed to refine that. Council Members Wiseman and Ellis absent.

Mayor White stated that he appreciated Council Member Garcia constructive comments on the direction as well as criticism, that he wanted to thank his colleagues for helping to come up with something better to relieve congestion, reduce accidents and to have an average charge per tow which was less than existed before, that the question of what happened and who would bear the cost whether it be property taxpayers, which would be if they did a subsidy, or other drivers, what he did not want to see happen was what they had heard a lot of times around the table already under the existing system, if somebody was towed they took it to the storage lot and then the fees went up and up and they would not get their car back, so if the Council Members would help him think about what they would do and how somebody would demonstrate hardship by an objective standard they would work on it. Council Members Wiseman and Ellis absent.

Council Member Holm stated that she too wanted to wish a happy, healthy and safe 2005 to her colleagues, constituents in District G and all of Houston. Council Members Wiseman and Ellis absent

Council Member Holm stated that on December 21, 2004 Sam Houston Park was closed to the public for a New Year's Eve Party, that she had no idea who Forbidden Cities was, what the criteria was and why they would allow their park to be shut down from December 21, 2004 and it was still today closed for cleanup on January 5, 2005, that the only information she had was that the organization put down a \$15,000 deposit which was refundable to them once they left the park in an appropriate condition, they paid \$1,100 for an application fee and they were paying 10% of the door to the City of Houston, that in the newspaper it said the event was so poorly organized that they had already refunded \$40,000 to paying people who could not get in, that the Special Events Office said that the producer met everyone of the requirements that the City asked, that she did not know who decides which groups were appropriate for the park and who decides how long they could close the park and who decides what the appropriate fees were, who monitors and insures compliance, who weighs and determines whether it was a benefit or cost to the City, that she would recommend that they look at some type of special events ordinance that considered the benefits, the usage and appropriateness of all departments. Council Members Wiseman and Ellis absent.

Mayor White asked if Council Member Holm's committee would be appropriate to look at that and would encourage her to talk to the individuals that she mentioned. Council Members Wiseman and Ellis absent.

Council Member Holm stated that she would commend Mr. Terrance Fontaine, that her office received an email from a constituent who had visited the Robinson Westchase Library over the weekend and was really upset to observe that a book with extremely graphic title was prominently displayed in the New Release Section, that Mr. Fontaine had promised that there would be a review committee formed to re-evaluate the selection of titles that were placed in the collection. Council Members Wiseman and Ellis absent.

Council Member Sekula-Gibbs asked Mr. Michel if he had the answer regarding the playground equipment and whether they would be able to enforce any sort of restrictions on a company or the principal of the company when they failed to conduct business with the City according to the contract, and Mr. Michel stated that he thought they probably could, it would take a little time, they would have to define the types of companies and persons who would be held responsible, but he thought under the law they would be able to do that, that the current State law would permit it but they would have to change the ordinance. Council Members Wiseman, Alvarado and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to share an invitation to a scientific symposium that was going to occur in Houston, that it was for people who had a special interest in neurological diseases, that they would have some world experts who would be joining various community members at the Intercontinental Hotel on January 14, 2005 from 8:00 a.m. to 3:30 p.m., if people were interested they could contact the Turret Syndrome Association at 281-493-5045 or her Council office. Council Members Wiseman, Alvarado and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to remind everyone that it was blood donor month. Council Members Wiseman, Alvarado and Ellis absent.

Council Member Sekula-Gibbs stated that there was some discussion regarding one of the programs that was offered in Los Angeles, that she was informed by Triple A that the program was called Freeway Service Patrol and it was paid for by \$1 per year on the motor vehicle registration with each Los Angeles motor vehicle driver and it was done through State law, that everyone had to pay that dollar and then a tow truck cruised the freeway and when a driver was stuck on the freeway they would move them to the side, that was a tax that was placed on every driver; that one of the things that different constituents had brought to her attention of ways to improve Safe Clear was that motorists would have a bill of rights, that there should be a statement that background checks, if they could implement it, had been done on drivers, that people were worried about climbing into vehicles with drivers they had never met before or did not know, that a grievance procedure should be in place so that if there was a problem that the individual would have an opportunity to clearly address that problem and have a way to have redress of those grievances; that Triple A would only reimburse the \$75 tow once the reimbursement form was submitted to Triple A and that had to be done within 60 days, they would not pay for the extra mileage, that it was charged against the four tows that they allowed their members per year. Council Members Wiseman, Alvarado, Ellis and Green absent.

Council Member Quan stated that since their last meeting they had seen one of the greatest natural disasters in the history of mankind with the Tsunami victims in Asia, that he wanted to commend all of the different groups who had rallied together to provide support for those victims, that many cities had made declarations in support of the victims and various organizations within their community were still having fund raisers, that the Indo American Association was having one on January 23, 2005 at the Wortham Center and would encourage people to attend and asked for a moment of silence in memory of those people who had lost their lives in the destruction. Council Members Wiseman, Alvarado, Ellis and Green absent.

Council Member Quan stated that the Super Neighborhood Council had made a suggestion that they come out to the neighborhood and have a meeting there so that people could come out in the evenings and see what the committee did, they would be having a meeting on January 11, 2005 at the Westside Multi Service Center, that they would discuss the distribution of housing programs

through the HATCH Program, that he would encourage Council Members to attend the meeting, that on January 18, 2005, their normal meeting, they would have a discussion of the TMC (Texas Medical Center) garage, that he had also asked BARK to make a presentation as to their operations. Mayor White and Council Members Galloway, Wiseman and Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that their HOME funds had been suspended and that was a very large part of the money the City got from HUD, that HUD had cited them on 25 different grounds on how they had not watched those funds very carefully, he had asked the department to come and give them a report on their response for reestablishment of the HOME funds, that there were over 100 individuals who's house closings had been delayed because of it, that he would like a full report from the department and Mr. Wilson would be at both meetings to talk about his plans for Housing and Community Development. Council Members Galloway, Wiseman and Ellis absent.

Council Member Quan stated that Mayor White had previously mentioned in one of the Mayor's Reports the listing of prime subs and consulting firms that had been qualified to do work for Public Works and Engineering and he was going to get the Council Members a copy of the list and he had still not received a copy yet, and Mayor White stated that the list should have been distributed but would follow up and give him another one. Council Members Galloway, Wiseman and Ellis absent.

Council Member Quan stated that as to the Bayou Landing situation he was meeting with Mr. Etuk and he would bring it to his attention to see what they could do on it. Council Members Galloway, Wiseman and Ellis absent.

Council Member Quan stated that Police Sergeant Tony Nguyen had recently been involved in an altercation in Fort Bend County and all he was asking was that they let Fort Bend do their investigation openly and fairly on it, that he knew there were two sides to every story, that the Houston Police Department was checking to see if he violated any of their regulations, but by the same token the standard principle "innocent until proven guilty" should apply, that Officer Nguyen was a person who served the department for many years very commendably and was a very good citizens of the community, to at least give him the benefit of the doubt until the report had been concluded. Council Members Galloway, Wiseman and Ellis absent.

Council Member Garcia stated that on Monday, January 10, 2005 at 10:00 a.m. they would be having the Public Safety and Homeland Security committee meeting in Council Chamber and there would be an update by Chief Boriskie on the Fire Department, that at the last meeting they had a street solicitation by children ordinance update and wanted to remind his colleagues to please look over those materials if they had not already so they could provide that file input to Mr. Cheatum so they could get an ordinance back and bring it before the City Council. Council Members Galloway, Wiseman and Ellis absent.

Council Member Quan stated they had a meeting of the Ethics Committee regarding the raising of funds for people who were seeking to serve on City Council or City offices, that the Legal Department was at this time drafting some amendments and as soon as those came back to the Legal Department they would have another meeting of the Ethics Committee to consider it and bring it to the administration. Council Members Galloway, Wiseman and Ellis absent.

Mayor White stated that he would appreciate the Council Members feedback on the following, he had talked to principally clergy who made a suggestion that they do something citywide as a thanks for the blessing of life that they had which could be taken from them at any day and a great Country, as a memorial to the suffering that occurred throughout South Asia and the incident where more Americans were missing than lost their lives in the tragic incident on September 11, 2001 and to provide information for the various relief agencies and how people could give assistance, it was not to step on any other organization but to bring their diverse community together, that the idea had some appeal to those who had heard it, a facility like Minute Maid could be made available and if they had any thoughts or ideas on it or how it

ought to be organized there were three people who he had put in contact to advise him on how to handle suggestions on this regard and to bring things together, Mr. Michael Moore, Ms. Susan Christian and Pat Trahan, that they could direct them to Mr. Moore by email and they would try to make some decision. Council Members Galloway, Wiseman and Ellis absent.

Council Member Berry stated that he wanted to talk about the City's website, that he did not know if Mr. Bob Novack did the entire website, but he did a good portion of it, that a number of citizens went to the website to do business or find out information and it was a very good website and won awards, that it was very useful and hoped that it would continue to be, that he thought it was something that the Brown administration made a very important part of their administration and Mayor White had continued that. Council Members Galloway, Website and Ellis absent.

Council Member Berry stated that as to the tow truck issue, he thought it was a very good thing that they were spending so much time talking about mobility because it was very important, that it was not a perfect plan and that was a good thing because they were getting better by the day, they were hearing from the public and their colleagues on how to improve it and at some point in the near future they were going to have a plan that he thought would be the model of the Nation, that they did have a motorist bill of rights and it was a document that every tow company was supposed to have with them, and if they did not the City wanted to hear about it, and it could be handed to the individual and explained why the tow truck driver was moving their car and if they had a problem what they could do about it. Council Members Wiseman and Ellis absent.

Council Member Berry stated that his wife had been in India for 3 months and yesterday on the way back from England, where they had met up, they came through the airport and he watched every level from how they handled the holiday traffic to how the airport employees handled the thousands of people over loading the airport and he asked a number of travelers and they said it was one of the best airports in the Country particularly at holiday time at dealing with the rush, that he was extremely proud to hear and see that. Council Members Wiseman and Ellis absent.

Council Member Berry stated that he wanted to thank the number of people who had called, that his wife had fortunately left India the day before the Tsunami hit, that all of her relatives were fine and all of their family members were fine and while her family was affected in many ways by it they appreciated all of their concerns and hoped that their prayers would continue to be lifted up to all of the people across the world that were affected by it. Council Members Wiseman and Ellis absent.

Mayor White stated that he appreciated Council Member Berry's leadership and candor in comparing where they were and where they were going. Council Members Wiseman and Ellis absent.

Council Member Goldberg stated that he wanted to start out the New Year by thanking a City employee, Ms. Shiela Blake in Code Enforcement who was the Assistant Deputy Director and was really a great example of what a public servant was or should be, going through the code enforcement process was complicated and she really took her time out to help people and explain the process and provide all the options that she could so he wanted to recognize Ms. Blake. Council Members Wiseman and Ellis absent.

Council Member Goldberg stated that they were opening up the newest library for the City of Houston and understood that Mayor White would be there on Saturday at 10:00 a.m. to open up the Stella Link library, it would be known as the John P. McGovern Library, they had some bands from the schools near by playing and a lot of festivities and ribbon cutting, it was a new technologically innovated library and he wanted to invite everybody to come to the opening. Council Members Wiseman and Ellis absent.

Council Member Goldberg stated that last week a great citizen passed away, Mr. Bernard Dow, he was a leading and well recognized attorney in Real Estate Law and considered one of the best lawyers in America. Council Members Wiseman, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that she was concerned with Continental Airlines, that she understood they were looking at possibly asking for reductions in pay and talking once again about possible bankruptcy and she was curious as to how that might affect the City, they were one of the biggest employers and the traffic and so forth at Bush Intercontinental Airport, that she wanted an update and did it mean anything at all, and Mayor White stated that they would ask a representative of Continental Airlines to brief her and if Mr. Anthony Hall or Ms. Foxhall could be contacted by the appropriate person at Continental he would appreciate it. Council Members Wiseman, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to thank Chief Hurtt for his leadership on the DNA issue and was excited that the State was all ready to pounce on Houston, Texas but would encourage the State to look into DPS Crime Lab while they were doing it because they had issues all over the State and not just Houston. Council Members Goldberg, Wiseman, Alvarado, Ellis and Sekula-Gibbs absent.

There being no further business before Council, the City Council adjourned at 11:29 a.m. Council Member Lawrence absent on personal business. Council Member Khan out of the city. Council Members Goldberg, Wiseman, Alvarado, Ellis and Sekula-Gibbs absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary