

City Council Chamber, City Hall, Tuesday, January 25, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, January 25, 2005, 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, 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. Jo Wiginton, Division Chief, Contract Division, Legal Department; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 9:37 a.m. Mayor White called to order the meeting of the City Council and called on Council Member Berry to lead all in prayer and Council Member Berry invited Bishop Marselis Bolden of Abiding Love Church, to lead the prayer and Council Member Berry led in the pledge. Council Members Holm and Garcia absent.

Mayor White requested the City Secretary to call the roll. Council Member Lawrence absent.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted.

Council Member Wiseman stated that there was an error in recording the reason for her absence last week and moved to amend the record to reflect her absence as being out of city on city business, seconded by Council Member Green. Mayor White stated that if there was no objection it was so ordered.

A vote was called on the motion to adopt the minutes as amended. All voting aye. Nays none. MOTION ADOPTED.

Mayor White stated that on behalf of many colleagues of City Council they wanted to congratulate Council Member Goldberg who was the proud new father of Victoria Alexis. Council Member Holm absent.

Council Member Alvarado moved to hear the brief Mayor's Report before the public session, seconded by Council Member Galloway. Council Member Holm absent. Mayor White stated that if there was no objection it was so ordered by consent.

#### **MAYOR'S REPORTS** - Status report on HOME Program

Mayor White called on Mr. Milton Wilson, Director, Housing and Community Development and Mr. John Walsh, Deputy Chief of Staff for Neighborhoods & Housing, to present the Mayor's Report.

Mr. Wilson stated that he had been at the job of Director for approximately 2 weeks and a lot of progress had been made, that the department ran a lot of programs but they had been asked to give a report on the home program and asked Mr. Walsh to start the report.

Mr. Walsh stated that HUD's HOME Program provided the City with funds to provide for affordable housing subsidies, loans and grants for multi family and single family projects, that the program had been administered for many years by Housing and Community Development and over the last 3 years HUD had a very intensive scrutiny of the program and starting in 2001 they had done basically performance audits that evaluated the operation of the program and cited a number of deficiencies and they were address but not in all cases and that resulted in a very intensive field inspection of the program and its operation in August 2004, that led to a issuance on November 2, 2004 from HUD Fort Worth of 25 findings of irregularities and

deficiencies in the operation relative to HUD standards and one concern, the department responded to that and HUD Fort Worth and HUD Washington found those responses unacceptable and therefore suspended funding for the program on December 10, 2004, as of that date they were allowed to process those loans that were committed but in process for both single and multi family loans as well as to continue to pay the City's internal administrative expenses out of HOME but all other funding was suspended, that addressing first the single family program they had 21 homes that met the qualification standards for being in process as of that date and they were in the process of closing those using HUD funds as they had gone back and rectified the deficiencies in the paperwork and inspections for those 21 homes, that in order to maintain the volume of single family home closings they went to their affiliate, Houston Housing Finance, who had a mortgage loan program that included a down payment assistance function with it, it provided 6% of the loan amount for closing costs and down payments and they had \$6.5 million which they dedicated to it and they were a little under \$3 million so it was going very rapidly, but that was good because they were able to maintain the flow of loans, they had a special program in the Fourth Ward which had a down payment assistance of \$19,500 per closing because of the extraordinarily high expense associated with the land development and construction of that area, that was not applicable to the bond program, that under special arrangement with HUD they worked out a program using HOME Funds to close those loans and it was critical that they sustain the volume of closings in the Fourth Ward for reasons they could go into at another time, that they had 80 homes left to close and had 153 closed and homeowners living there today, that in order to provide for those closings they approached the Houston Housing Finance Corporation to extend their corporate funds to help sustain that volume of \$19,500, they were gracious enough to consent to that and were using their corporate reserve funds to continue that, they went to HUD in Fort Worth and reviewed with them the special program, along with all the other 25 deficiencies and had a very good session to talk through, how to rectify the problem, and in the context of that made a special appeal that they allow the Fourth Ward Program to be restored as quickly as possible if they showed good faith in rectifying the problems in that particular program and they said they would consider it, so in the meantime they had funding for all homes that were under construction, which was 60 out of the 80, and for Houston Housing Finance they had a commitment to them to get the HOME Program restored for the Fourth Ward as quickly as possible, moving to the multi family program they had four loans that were in process and they were in the process of developing those as proposals for HUD to allow them to continue to close those as well with HOME funds if they could rectify the deficiencies in the paperwork.

Mayor White stated that there was a briefing before the full City Council and he wanted to make sure that they had an opportunity to report because they had gotten a number of inquiries from constituents concerning those homes that were in process, that he knew there was a committee report that was extensive on it which was the appropriate form for that and asked Mr. Walsh if he had concluded his comments on the homeowner, for both single and multi family, loan applications which were in process, and Mr. Walsh stated yes, and Mayor White stated that last Tuesday he had a meeting with the Secretary of HUD and his senior staff on the same issue so they had a team in place, he thought, that could get the program moving in the right direction. Council Members Lawrence, Goldberg and Ellis absent.

Upon questions by Council Member Edwards, Mr. Walsh stated that the program was called the Fourth Ward Program with HOME Funds from HUD, that the program did not include those homes that were supposed to be rebuilt by HUD, those were in the Single Family Home Repair Program and there were three of those that were under construction but they were not funded with HOME money they were funded with CDBG money which was a separate program which was also in suspension with HUD right now, and Council Member Edwards asked for a copy of the Mayor's Report in writing, and Mr. Walsh stated that it was the subject of a memorandum that Mr. Wilson forwarded to all Council Members and would be glad to brief her personally and would send her another copy of the report. Council Members Goldberg, Garcia and Ellis absent.

Council Member Quan stated that he wanted to thank them for the update, he was not aware that HHFC had agreed to use their reserve funds, it was a fairly new development and asked when that action happened, and Mr. Walsh stated it was last Thursday, and Council Member Quan stated that he appreciated Mayor White meeting with HUD Secretary Jackson and trusted that the videos went well and they were following up from there, and Mayor White stated that among the topics was also the Home Repair Program which he thought both HUD and the City appreciated the need not only for the restoration of funds but also that category "emergency" was a little squishy, that they needed to define what their critical needs were in emergency home repair and they discussed the criteria and he had given some direction to Housing and Community Development and they wanted those to be considered by Council Member Quan's committee, and Council Member Quan stated that they looked forward to working on that and knew it was a great concern of Council Member Edwards and many people who were affected by the program; that the first meeting of the 2006 Consolidated Plan was scheduled for Thursdays night, January 27, 2005, at the City Hall Annex so if they were interested as to how they were going to allocate the funds for next year the first meeting was on Thursday night. Council Members Goldberg, Alvarado and Ellis absent.

Council Member Lawrence asked Mr. Walsh if they had done anything on the same venue on the bankruptcy of the apartments and in looking at those whether they were talking about 7 or 9, it depended on how they bulked them together, as far as moving them forward, and Mr. Walsh asked if she was talking about the Multi Family Loan Program with Mr. Don Sal, and Council Member Lawrence stated yes, and Mr. Walsh stated that only a portion of those were funded with HOME but there was some overlap between the HOME Program and the CDBG Program, that with respect to the 7 Sal loans two of those had been foreclosed by Bank of America and they were in very active discussions with Bank of America and Fannie Mae, who was a partner in that loan, to restore the deed restrictions for affordability and refit the properties up to standard and re-tenant the properties, the other 5 had two lenders involved, Southwest Bank of Texas and Chase Bank and the City was working directly with them in coordination to exercise their legal rights against Mr. Sal for his guarantee as well as the deficiencies on both liens and then, as he though they would remember, they created through Houston Housing Finance a safe harbor corporation, non profit corporation, who could hold the property plus provide tax exempt financing for the properties and they had offered that incentive to those lenders to allow the City to restructure the loans, that Mr. Wilson could be more specific, but in their visit to Fort Worth they went over it in detail and the City's loans, in order to restructure those as grants, which may be necessary to make the projects viable, they had to completely re-underwrite the loans and show how they were going to be feasible and an attractive use of federal funds, and Council Member Lawrence stated that 5 of those were in District A and as things happened she wanted them to keep her abreast of the timeline of where they were going because the neighborhoods around them were very concerned, and Mr. Walsh stated that the residents safety and welfare were their number one concern, they made that point from day one and he would keep her informed. Council Members Alvarado and Ellis absent.

Mr. Wilson stated that he wanted to add that Mr. Sal had sent them a letter that he had sold his interest in all of the properties and they were looking at that, that one of the properties they had value in and the Mayor had asked them to be seamless in what they were doing, they would probably try to sell the rest of those, and he wanted to say that anyone that was interested in buying those they would take a look at. Council Member Alvarado absent.

Mayor White thanked Mr. Wilson and Mr. Walsh for their report and diligence on the important issue and stated that they would go to the public session and requested the City Secretary to call the first speaker.

At 9:57 a.m. the City Secretary began to call the speakers.

Mr. John Johnson, 7102 Windemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he wondered if this Mayor thought his Administration had done anything to help anyone; that quality people were leaving the city for those with less quality; that the SafeClear program was not thought out; and he would be running for Council and those who voted for the program voted against the people. Council Member Holm absent.

Ms. Andria Hunt, 7979 Westheimer #2613, Houston, Texas 77063 (713-307-6713) appeared in opposition to the SafeClear program and stated that because of SafeClear her car was towed January 19th at 5:05 p.m. from 59South near the Shepherd/Greenbriar exit, it had overheated; that she was a single mom and very upset as now she had no car; that it was towed to the lot on Lyons; that she was to be charged \$75.00 and instead the company wanted \$133.70; and she wanted to know who voted for it as it needed to be reversed. Council Member Holm absent.

Mayor White stated that stories such as hers helped them figure out what was needed for improvement; and upon questions, Ms. Hunt stated her car overheated and she walked to a pay phone and saw her cousin who picked her up and they took water back to her car, but when she got there it was gone; that it took two hours to find her car and then the company quoted her that price; that she did not even know of the law; that she felt people should be given 12 to 24 hours. Council Members Edwards and Holm absent.

Council Member Garcia stated that he was one who voted for SafeClear under the understanding there would be a customer element for people like her; that the Mayor proposed one mile free tow and Council Member Quan was proposing some additions for a safe location; and Ms. Hunt stated that sounded reasonable. Council Members Edwards and Holm absent.

Council Member Galloway stated that she did not support the SafeClear program because she knew many could not afford it; that people traveling through Houston did not know about such laws and she thought they should at least consider two to four hours. Council Member Holm absent.

Council Member Sekula-Gibbs stated that she voted for the SafeClear program and apologized for it as she now believed it was a mistake and would do what she could to reverse it; that the goal was to get traffic going, but they needed a balance and she felt the program needed to be stopped until it was reworked; and hoped that they could help her get her car back today. Council Member Holm absent.

Council Member Quan stated that he had concerns about the program also; and upon questions, Ms. Hunt stated that it was ridiculous the way people drove on 59 and she had the \$75.00 if she would have been there, but she did not know of the program; that if a wrecker was to take her to a safe place free or where she wanted to go for the fee then that was reasonable. Council Members Holm and Garcia absent.

Council Member Wiseman stated that she voted against the SafeClear program and she commended Council Member Sekula-Gibbs for deciding it should be repealed; that the city violated Section 545.305 of the Texas Transportation Code because her vehicle had not been unattended 48 hours; that she followed state law by pulling to the shoulder and the city penalized her and she hoped she would consider taking action against the city; that when she questioned officers pulling on the shoulder she was told it was for safety and the point was if any vehicle on the shoulder was a safety hazard then so was a patrol car; that she would be willing to do what she could to help her and she urged her to ask her state representatives to help her also. Council Members Holm and Ellis absent.

Upon questions by Council Member Alvarado, Mayor White stated that before the program sometimes it took people one to two days to locate their car; that sometimes people abandoned

their car on the freeway as it had broke down there and that's where they left it, sometimes they left to look for a phone, some were stolen and left, but there should be a way for people to get the information quickly so they could recover it with a minimum charge. Council Members Lawrence and Holm absent.

Council Member Green stated that he voted for the program and felt they needed such a program, but if the owner of the vehicle was not with the car they did need a way to locate them and notify them; and all Council Members knew the plan needed tweaking. Council Member Holm absent.

Council Member Berry stated that months ago data was looked at and Houston had the deadliest freeways of a major city in America and people were getting plowed over; that the night this was voted on a single mother was hit on the side of the freeway; that cars in the shoulder were deadly, it was also deadly for someone to stand in the middle of a four way intersection, but an officer could because they wore uniforms, they were distinctive and the public was prepared to slow down; that this plan started with no one wanting it and it was policy makers saying something was needed for congestion and the pilot program was successful; that they wanted to make Houston a safe place to drive and he thought they would get this right. Council Members Galloway and Holm absent.

Council Member Edwards stated that there was no such thing as a free tow and it was disingenuous to say that to the community, it was going to be paid for by something. Council Members Galloway and Holm absent.

Council Member Wiseman stated that the comment that policy makers looked at data showing the shoulder was deadly she had seen no such data and the comment made policy makers stood nothing to gain was interesting as some did not have to file disclosure forms so they did not know that with certainty, the example of a woman being killed was offensive for them to use it, it was not in the city limits and the first week the ordinance was in effect there was an accident on 59 where a vehicle on the shoulder was struck and a member of the Council said that underscored the need for the ordinance but the ordinance was already in place and it was still struck so it was not prevented; that they heard a lot of rhetoric but saw no facts; and urged she contact the state and lend her support. Council Members Galloway and Holm absent.

Mr. Joseph Moore, 2111 Holly Hall, Houston, Texas 77045 (713-384-3853) appeared in opposition to Agenda Item 31, presented information and stated that long before some of the Council Members were in office wrecker drivers already had a Safe Clear Program; that they were keeping citizens safe and clearing roadways of vehicles, debris, etc., all they used to push the plan was already in place and officers would tell them that a large percentage of the time when a vehicle was blocking moving traffic by the time he arrived the vehicle had already been removed; and he urged that they go back to the drawing board and look at the facts. Council Members Galloway, Holm and Quan absent.

Upon questions by Council Member Lawrence, Mr. Moore stated that he was sure wrecker drivers would come to the table and help citizens, many lived paycheck to paycheck and if Council did allow them to get an invoice and pay later at the courts as she suggested he was sure it would help some. Council Members Galloway, Edwards, Holm, Quan and Sekula-Gibbs absent.

Mr. Johnny Mata, 3131 Cummins #6D, Houston, Texas 77027 (713-622-6410) appeared in opposition to Agenda Item 31 and stated that today they issued a press release and LULAC went to Austin; that they were calling for a moratorium on the SafeClear ordinance as they believed it was an ill-conceived plan that took from the poor and gave to the Houston treasury and the "Big Fish" the towing industry; that they did not oppose an ordinance addressing

congested freeways, but wanted a moratorium until a better plan was conceived; that 20,000 people signed the petition they took to Austin and it needed to be tabled. Council Members Galloway, Edwards and Holm absent.

Council Members discussed the SafeClear program at length with Mr. Mata and Council Member Sekula-Gibbs stated that she planned on offering an amendment to rescind the ordinance; that it was important to recognize the community had spoken and were very concerned from a variety of angles and it needed more public accountability. Mayor White, Council Members Galloway, Holm and Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated he would like to take an item out of order and invited Ms. Maribel H. Barrera to stand and be recognized and stated that he knew she would help promote literacy and lead education forward. Mayor White, Council Members Galloway, Holm and Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia moved that the rules be suspended for the purpose of considering Item No. 1 out of order, seconded by Council Member Quan. All voting aye. Nays none. Mayor White, Council Members Galloway, Holm and Ellis absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0048 ADOPTED

1. CONFIRMATION of the appointment of the **MS. MARIBEL H. BARRERA** to Position 18 of **HOUSTON READ COMMISSION**, with a three-year term from the date of appointment was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Khan. All voting aye. Nays none. Mayor White, Council Members Galloway, Holm and Ellis absent. MOTION 2005-0049 ADOPTED.

Council Member Quan moved that the rules be suspended for the purpose of hearing Mr. William Morris, Mr. Kipp Quist and Ms. Anne O’Ryan out of order. All voting aye. Nays none. Mayor White, Council Members Galloway, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0050 ADOPTED

Mr. Wililam R Morris, 6603 Linden, Houston, Texas 77087 (713-921-4500) appeared in opposition to Agenda Item 31 and stated that he was asking for Council Member Lawrence’s resignation after making the comment if you could not afford a tow then you needed to stay off the freeway; that her community was minority and poor and if she spoke it she thought it. Mayor White, Council Members Lawrence, Galloway, Wiseman and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. Kipp Quist, 12923 Plumwood, Cypress, Texas 77429 (281-320-1874) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence and Garcia absent. Mayor Pro Tem Alvarado presiding.

Ms. Anne O’Ryan, 4970 Hwy 290 W. #310, Austin, Texas 78735 (512-899-8843) appeared and stated that she was speaking on SafeClear and the Mayor’s proposal did put things on the right track though other critical things needed to be addressed such as elements seen in other parts of the country; that the program in California had a 96% customer satisfaction rate; that they needed a safe drop site, short response times including in lane disablement with the no charge option, specific grievance procedures and banning towing referrals to repair shops. Council Members Lawrence, Wiseman, Garcia and Alvarado absent.

Council Member Sekula-Gibbs stated that Ms. O’Ryan was the last speaker on the item and moved to take Item 31 out of order.

Council Member Edwards stated that there was another speaker on towing; and Council Member Ellis moved to hear Ms. Patricia Martin out of order; and Mayor White stated that with no objections they would do so by consent. Council Member Wiseman absent.

Council Member Sekula-Gibbs stated that she would delay her motion until the final speaker was heard; and Mayor White stated that they would now continue questions of Ms. O’Ryan. Council Member Wiseman absent.

Council Members discussed SafeClear at length with Ms. O’Ryan; and Ms. O’Ryan stated that AAA’s response time was around 20 minutes; that there were no discussions on subsidizing tows off the freeways; that they did support the Mayor’s proposal and that did not include AAA subsidizing, it was a public service; that California’s program was from a number of funds and another portion was a \$1.00 registration fee in a particular county that wanted the program; that if this was an arrangement where they were subsidizing she thought they would like to tow their own clients and that their clients would want them to tow them; that currently they did reimburse the \$75.00 fee and she believed it was well under 100 who had applied for it so far with the time for reimbursement being under two weeks; that she did feel making a cell phone available to a motorist was a good thing; that she could provide information on what they expected from their tow truck drivers and the businesses; and she would be one of the first contacts for reimbursement. Mayor White stated that he would ask Mr. Lewis to meet with Ms. O’Ryan today to get the process started; and Council Member Berry stated that Ms. O’Ryan was very supportive of the hearings. Council Members Goldberg and Alvarado absent.

Ms. Patricia Martin, 5602 Selinsky #115, Houston, Texas 77048 (713-264-7534) appeared in opposition to the SafeClear program and stated that January 9th she ran out of gas and pulled onto the side of 288 near the Bellfort exit, but as soon as she stopped a tow truck driver pulled up, a concerned citizen stopped and went and bought her some gas and they put it in and by then HPD was there; that the car did not start the first time and the officer said stop, get away from the vehicle and immediately put the vehicle on the truck and he had no regard for her, her little girl or their safety; that today the car was still in storage and the total was \$426.00 and how was she to feel safe or take care of her family. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she hoped they would be able to get her car back for her as soon as possible; that was not the goal of SafeClear and it needed to be stopped; that all the Bill of Rights basically said was your car would be towed; and she was going to offer her amendment to rescind the ordinance until they had a better program. Council Member Berry absent.

Council Member Galloway stated that she knew there would be problems and for that reason did not support it, but maybe those who voted for the ordinance could take up an offering to get her car out; that she did hope they could get her some assistance to get out the car and her chief of staff would be out to speak with her as she would like to offer some personal assistance. Council Member Berry absent.

Council Member Holm stated that she supported the SafeClear program it was for safety, that they were working on the program to make it better. Council Member Berry absent.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item 31 out of order, seconded by Council Member Khan.

Council Member Edwards stated that she did not understand why they could not complete the public session first.

A vote was called on the Motion to take Items 31 and 31A out of order with Council Members Edwards, Green, Garcia, Lawrence and Quan voting no. Balance voting aye.  
MOTION 2005-0051 ADOPTED

31. Written motion by Council Member Garcia to amend Item 31A below, the proposed ordinance authorizing amended and restated contract with towing company operators,

etc.:

“The City of Houston will amend contracts between City of Houston and Safe Clear vendors to reflect credit for confirmed free tows against any amounts owed by the Safe Clear vendors to the City of Houston for their assigned segments. Such credit shall be reflected when the next payment by the Safe Clear vendors is due.” – **(TAGGED BY COUNCIL MEMBER QUAN)** – was presented.

Council Member Garcia stated that he conferred with Council Member Quan and in his amendment he had elements significant to the project and would ask to amend his motion to accept elements of his and asked Council Member Quan to read what it would do.

Council Member Quan stated that it would basically incorporate Council Member Garcia’s amendment of last week as for the reimbursement portion of the contract and credits would be given to towing companies with the contract as opposed to a reimbursement; and Council Member Garcia stated that if the Council Member accepted that amendment he would withdraw his motion.

Mayor White stated that for everyone to understand, the pending motion was Item 31; and upon questions, Council Member Quan stated that he had an amendment and they were incorporating Council Member Garcia’s motion of last week into his amendment which would provide credits for reimbursement; and Council Member Garcia stated that he would substitute his motion in lieu of Council Member Quan’s with corrections he cited; and Mayor White stated that he believed they were amending the motion by Council Member Garcia and Council Member Quan stated that it could be done that way. Mayor White stated that there was a motion to amend the motion by Council Member Garcia to delete the language in the motion and to insert certain language submitted by Council Member Quan which was in section B of Council Member Quan’s handout and the pending item was the motion to amend Council Member Garcia’s amendment which the Administration did not object to.

Council Member Edwards stated that it was irresponsible to try and fix this in session like this and insulting, she did not see why they could not take the ordinance and amendments and call a special meeting to discuss it, there was no way they could read all presented today and understand it and the ramifications; and she would like a special transportation meeting called today or tomorrow; and Mayor White stated others were seeking recognition and a couple of other Council Members had expressed the same; that they were looking at the rules to see how it could be accommodated; and Council Member Edwards stated that the only other thing would be for her to tag everything and she would; and yielded to Council Member Ellis who stated that he understood what she was saying but Council Member Berry had worked on this for a year and he had for two years; that he understood them not being able to understand all amendments and if he could tag everything to understand it he would, but thought they could take care of it in Council, he knew they had differences of opinion and that was alright; and Council Member Edwards stated that it was not about that she wanted a venue where the community knew they were taking it seriously and it needed to be referred back to committee; and Council Member Ellis urged her to tag the items.

Council Member Holm stated that she felt it appropriate for everyone to bring their issues and amendments forward today, unless there was a call for a committee meeting there was no format where they could discuss it among each other and then during the course of the week if there was a meeting they could discuss it and be ready to vote next week; and Mayor White stated that to put it in a procedural form he was hearing that Council Member Edwards could use her right to tag the items including the pending amendments; that Council Member Berry could post a meeting within 72 hours to discuss the items tagged and if people had motions they do it today allow them to be tagged and then they would be on the table at the committee hearing, but that would require the items being tagged and Council Member Edwards and Council Member Wiseman both had that right since they were not at the last meeting and

second any Council Member could tag amendments being made, third those motions that people did seek to have considered be made at this time and fourth Council Member Berry post a meeting of the Transportation Committee within the period provided for by posting; and then the next item would be for an individual to tag the amendment by Council Member Quan.

Mayor White asked if there were any other motions or amendments to the motion by Council Member Garcia, if not before they conclude discussion he would like clarification for Council Member Garcia or Council Member Quan on the item that was the motion to amend by Council Member Quan; and Council Member Quan stated he would provide clarification as it was his amendment, credit towing contractors for towing vehicles to "safe drop" locations shall be the responsibility of the City where towing contractors have exclusive rights to provide freeway service. Mayor White stated that was the amendment and the amendment was tagged; was there any other amendments on the pending item which was the amendment by Council Member Garcia, Mayor White stated that a motion to amend Item 31 was tagged and now the pending item was Item 31 and there were two members with the right to tag it.

Note: It was the interpretation of the City Secretary that the intent of Council Member Quan's amendment was to substitute the language he had presented for the language contained in Item 31 and that Council Member Garcia had stated that he would withdraw his motion and that the motion called an amendment is shown in the next paragraph.

Motion by Council Member Quan, seconded by Council Member Garcia that 31A be amended as follows: "Credit towing contractors for towing vehicles to "Safe drop" locations shall be the responsibility of the City where towing contractors have exclusive rights to provide freeway service." and was tagged by Council Members Wiseman and Khan.

31a. ORDINANCE approving and authorizing amended and restated contracts with towing company operators and authorizing the Chief of Police to enter into contracts between the City of Houston and **ALLIED COLLISION CENTER, CANNINO WEST, INC, CORPORATE AUTO SERVICES, INC, FIESTA WRECKER SERVICE, KTL ENTERPRISES, INC, MILAM STREET AUTO STORAGE, INC, NATIONAL AUTO COLLISION, INC, NORTH HOUSTON MOTORS, INC, T&T MOTORS, UNIFIED AUTO WORKS and WESTSIDE WRECKER SERVICE, INC**, for Major Freeway Tow Agreements and approving and authorizing a Major Freeway Tow Agreement between the City of Houston and **KTL ENTERPRISES, INC**; providing a maximum contract amount – **(This was Item 12 on Agenda of January 19, 2005, TAGGED BY COUNCIL MEMBERS HOLM and QUAN)** - was before Council; and was tagged by Council Members Wiseman and Edwards.

Council Member Wiseman stated that for a point of clarification the items taken care of were amendments by Council Member Quan to Council Member Garcia's amendment which was also handled and no other amendment and the pending motion now was the main motion for which Council Members were wanting to introduce amendments; and Mayor White stated that was correct and there were six Council Members seeking recognition and if any of those did seek to propose an amendment to this item...; and called on Council Member Ellis.

Council Member Ellis presented the following: "WRITTEN Motion by Council Members Mark Ellis and Council Member Toni Lawrence to amend Item 31a of the January 25, 2005 City Council Agenda:

Delete the Initial Annual Estimate of \$300,000. No funding necessary.

This amendment and restatement of the 29 Major Freeway Tow Agreements is intended to respond to concerns about the SafeClear Program

1. The Police Chief is being authorized to promulgate response times based on the time of day and nature of the incident, but not less than the six (6) minutes as stated in the current agreement;

2. REVISED - The City's non-consent tow fee will be \$124.00 for all abandoned vehicles, accidents, and arrests while retaining the \$75.00 fee and creating a new \$35.00 fee for all other tows. The citizen has the choice of a \$75.00 fee for up to 5 miles with \$1.50 fee for every mile thereafter or a \$35.00 fee for up to one-mile or the nearest point of relief. For those individuals unable to pay at the time of the tow, the tow operator will issue an invoice and the individual will have 30 days to pay the fee or schedule an administrative hearing
3. DELETE
4. REVISED - The city will reimburse tow operators within 60 days for invoiced tows. Tow operators will invoice all vehicles owned or leased by the City.
5. The Amended and Restated Freeway Tow Agreement with Allied Collision Center for segment 18 also includes an amendment to Section 2.02 (4) to correct a typographical error."; and was tagged by Council Members Wiseman, Edwards and Sekula-Gibbs.

Council Member Green moved to extend the meeting beyond the noon hour, seconded by Council Member Ellis; and Mayor White stated with no objection they were extended beyond the noon hour.

Council Member Holm stated that she was in support of the amendment put forward by Council Member Ellis, however in the event there was no support for the amendment she was offering the following written amendment to Item 31a: "Motion that Item 31a on the Agenda of January 25, 2005, be amended to cap the amount of funding for the shoulder removal program at \$150,000.00 for six months (no more than \$75,000.00 per quarter)"; and was tagged by Council Members Wiseman, Edwards and Sekula-Gibbs.

- a. Council Member Quan presented the following written motion to amend Item 31a: "Amendments to the Safe-Clear Program
  - A. City Attorney shall be directed to prepare and present an ordinance amending the Houston Municipal Code relative to the Safe Clear program to provide the following:
    1. Clarify that the intent of the Safe Clear program is to improve safety and congestion relief by removing disabled vehicles from freeways and from the view of other drivers as rapidly as possible
    2. Specify that vehicles removed from any portion of a freeway under the Safe Clear program shall be, at the sole discretion of the vehicle's driver or other person having control of the vehicle, either –
      - a. Towed to a proximate "safe drop" location at no charge to the driver, or
      - b. Towed to a storage, repair or service facility, or other location, designated by the driver, at the driver's expenseNotwithstanding (a), any vehicle which is abandoned, disabled as a result of collision, or involved in a crime or arrest shall be deemed to be a "non-consent tow" subject to the standard towing fee.
  3. Require the Police Department, in consultation with other agencies as appropriate, to designate a network of "safe drop" locations, which at a minimum shall be well-lit, have a public telephone, be accessible to the disabled, and be located in well-frequented public or commercial areas not more than two miles from the vehicle disablement. These designated areas shall be the only locations utilized for "safe drop" tows unless specifically directed otherwise by a police officer.
  4. Require the Police Department to develop and implement a service feedback and grievance procedure that will facilitate determining the level of satisfaction with service under this program and the resolution of service problems and complaints.";and stated that he would also like them to investigate working on a \$1.00 annual per vehicle registration with the state to help fund the program.

Council Members Wiseman, Edwards, Sekula-Gibbs and Khan tagged Council Member Quan's amendment.

Council Member Sekula-Gibbs stated that she tagged an item earlier which was the item related to the amendment of Council Member Garcia's and had been secondarily amended by Council Member Quan, 31a, and it was stated by the chair she was not allowed to tag the item, but in fact she was out of the city at the time it was voted on and by Council Rules she was allowed to tag the item and for the record was placing her tag on the item.

After a lengthy discussion on parliamentary procedures Mayor White stated that he was reading the rules at this time and this was a procedural issue; that the rules stated absent from the city or ill and it was designed to cover extraordinary circumstances which were defined in the Council rules and this was something where there was no ...., on this particular item he did not think anybody, if any Council Member said they were absent from the city at the time a particular vote was taken in light of the fact there were two tags on the items that they would accept a representation by Council Members if they were absent from the city; that a point was made of therefore not being in attendance at the Council meeting when a new matter was originated; that he could make a ruling without commenting on interpretation of the rules and he would appreciate the veteran Council Members input and advise over the long run on how to interrupt it when it came up in the future and without setting precedent and based on the assumption ...that this was with respect to all Council Members and listening to veteran Council Members rule that because Council Member Sekula-Gibbs while leaving the city was in attendance at the Council meeting when the new matter was originated it would be improper for her to tag the item and further at some point he would like to consider veteran Council Members to advise the Chair if they believed the rules needed to be changed.

Council Member Sekula-Gibbs stated that she had a motion to amend the SafeClear program which she submitted to the Chair and her colleagues and it addressed the three component ordinances that produced SafeClear and her goal basically was to return the program to the Administration and have them take it back for further consideration to take it off the street and solve problems occurring and also so other individuals would not continue to lose their cars as was occurring now; that there were not enough Band-Aids in the box to fix it here, but did think there were ways to work with TXDOT, the MAP program and County and various constituents to produce a good workable program to help with mobility and public safety and presented the following written motion: "A motion to rescind the Safe Clear program:

- (a) Ordinance No. 2004-498 relating to impairments and obstructions of roadways and sidewalks; amending the code of ordinances, Houston, Texas, and containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability; and declaring an emergency.
- (b) Ordinance No. 2004-1228 approving contracts with towing company operators and authorizing the Chief of Police to enter into contracts between the city and North Houston Motors, Inc, Unified Auto Works, T&T Motors, Cannino West, Inc, Milam Street Auto Storage, Inc, Allied Collision Center, Corporate Auto Services, Inc and Westside Wrecker Service, Inc for major freeway tow agreements; containing provisions relating to the subject; and declaring an emergency.
- (c) Ordinance No. 2004-1242 approving contracts with towing company operators and authorizing the Chief Police to enter into contracts between the city and North Houston Motors, Inc., Unified Auto Works, Fiesta Wrecker Service, National Auto Collision, Inc., Wrecker Service, Inc. and Corporate Auto Services, Inc. for major freeway tow agreements; containing provisions relating to the subject; and declaring an emergency."

Council Member Edwards tagged Council Member Sekula-Gibbs amendment.

Council Member Wiseman stated that she was submitting two written motions and presented the following: "Motion to amend Agenda item 31a to read: Amend Section 8-127 Major Tow Agreement Section (c) to read:

(c) For purposes of this section, the term "major freeway" shall include those limited access roadways in the designated state highway system. Application of the agreement and the requirements of this section shall include moving lanes of traffic, excluding shoulders and frontage or service roads."; and tagged by Council Members Edwards and Alvarado.

Council Member Wiseman presented the following written motion: "Motion to amend Agenda Item 31 a: "The City of Houston will place a 6 month moratorium on Ordinance #2004-497, which was passed by Houston City Council on May 26, 2004.", seconded by Council Member Galloway; and tagged by Council Members Edwards and Alvarado.

Mayor White stated that the two motions were offered and tagged; and Council Member Wiseman stated that she would add her tag. Mayor White stated that the record should reflect that because they had been tagged and so they were open there were certain procedural items people discussed in the nature of objections to some of the motions but they could be made and properly made at the time those motions were considered after the tag.

Council Member Galloway stated that she hated the last motion by Council Member Wiseman was tagged because to put a moratorium for six months she felt was fair for the Houston community until all was ironed out; and to date she still had not received statistics as to how many were killed on Houston freeway shoulders in the last three years because she wanted to weigh the percentage to the population and that was why she was so concerned with the price factor; that the cost should be waived until they got it right; and yielded to Council Member Edwards. Council Member Sekula-Gibbs absent.

Council Member Edwards stated that Council Member Galloway asked she remove her tag on Council Member Wiseman's motion for moratorium, but her motion only asked for a moratorium and it did not speak to the process during that time and that was why she tagged it. Council Member Sekula-Gibbs absent.

Council Member Berry stated that they debated for 30 minutes the merits of a pylon tag and it had no procedural affect; that what they had was individual cases of frustrated members disappointed, aggravated, frustrated as they were losing a majority votes and he had lost on many occasions and he thought that Mayor White as Chair should step in; that they were going to hold votes and when eight members wanted to move forward he did not care what their conscious told them or who they claimed to represent or how they characterized their opponents if all were to be respected if they were voted down they were voted down but that was the way the Charter was written; that another committee was already set and they discussed this for over a year and he for one was annoyed with the idea they had gotten away from the majority of Council dictating what the city would do and were doing back flips to make people happy; that Monday, 3:00 p.m. they would hold a Council Meeting of their committee and now he would like to move on to other items; and Mayor White stated that they tried to have a check and balance between the powers of the Mayor under the Charter and the need for the advise of elected officials and the exercise of their vote and citizens of this community wanted the freeways safer and traffic moving and that was two principal concerns by minority and he respected the concerns having to do with the cost of the tows of people on the shoulders and the reimbursement to those with insurance; and called on Council Member Garcia.

Council Member Garcia stated that he would like to ask Council Member Berry if they could use Monday's meeting as a joint public safety and transportation meeting; and Council Member Berry agreed.

Council Member Edwards stated that she did not know if her tags were being considered as piling on but she again would say there needed to be a focused look at the amendments and the whole ordinance and however it happened that was what she was trying to get done, but she would agree with Council Member Berry that this needed to be reeled in; and asked that the meeting again be announced; and Council Member Berry stated it would be Monday at 3:00 p.m. and he would like authors of the amendments present to answer questions, he would make sure Lieutenant Bender was there along with the Mobility Office people. Council Member Quan absent.

Council Member Green stated that they had tagged, retagged and everything under the sun on Item 31 and moved to continue with the public session, seconded by Council Member Ellis.

Council Member Lawrence stated that she wanted Legal to give a definition of safe drop amendment as to her it was ambiguous. Council Member Quan absent.

Council Member Wiseman stated that they had not sufficiently taken action on the main item; and Mayor White stated that if the record did not reflect it the item had been tagged by Council Members Edwards and Wiseman. Council Member Quan absent.

A vote was called on Council Member Green's motion to continue with the public session. All voting aye. Nays none. Council Member Quan absent. MOTION 2005-0052 ADOPTED.

Mr. John Ryan, no address (no phone) had reserved time to speak but was not present when his name was called. Council Member Quan absent.

Mr. Sharees Rabie, 1723 Park Lake Village, Katy, Texas 77450 (281-704-1644) had reserved time to speak but was not present when his name was called. Council Members Garcia, Edwards and Quan 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 Garcia, Edwards, Quan, Green and Berry absent.

Ms. Elvira Casares, 1047 Zoe, Houston, Texas 77020 (832-283-3868) appeared and stated that many driving with phones caused accidents, but she was present because she had a ticket for parking but there was no sign saying "No Parking"; that they were just getting money from poor people and it was not right. Mayor White, Council Members Galloway, Garcia, Edwards, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Ellis, Ms. Casares stated that she received a ticket and there was no "No Parking" sign present; that it happened to her before on another street; that all they wanted to do was get money. Council Member Ellis stated to the Mayor Pro Tem that he was trying to explain to her there was a process; and upon questions by Mayor Pro Tem Alvarado, Ms. Casares stated that it was on Godwin Street. Council Member Ellis stated that she may have a legitimate claim and he was trying to convey to her there was a process and he would ask that she go through that first; and upon questions, Ms. Casares stated when you go over there you just have to pay; and Mayor Pro Tem Alvarado stated that someone from Mr. Cantu's office would speak with her and hopefully it could be resolved. Mayor White, Council Members Galloway, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Rodney Alejandro, 14843 Waterside, Houston, Texas 77015 (310-890-9189) had reserved time to speak but was not present when his name was called. Mayor White, Council

Members Galloway, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Joy Wilson, 2616 S. Loop West, Houston, Texas 77054 (no phone) appeared and stated that they were loyal to America was America loyal to them; and continued expressing her personal opinions on various subjects until her time expired. Mayor White, Council Members Galloway, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. . Mayor White, Council Members Galloway, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Preston Blackmon, 1529 Wirt Road #44, Houston, Texas 77055 (713-468-4526) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. C. J. Harrison, 3415 Rosalie, Houston, Texas 77004 (713-739-0769) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. . Mayor White, Council Members Galloway, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

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. . Mayor White, Council Members Galloway, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

At 12:54 Mayor Pro Tem Alvarado requested a motion to go to the agenda and then go back to the public session when Mr. Blackman was present. Mayor White and Council Members Goldberg, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan moved to proceed with the agenda, seconded by Council Member Ellis. All voting aye. Nays none. Mayor White and Council Members Goldberg, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0053 ADOPTED.

Council Member Goldberg moved to suspend the rules to consider Item No. 32 out of order, seconded by Council Member Ellis. All voting aye. Nays none. Mayor White and Council Members Galloway, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0054 ADOPTED.

32. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** to provide up to \$4,000,000.00 in Community Development Block

Grant Funds to assist in the Design and Construction of the Aquatic Center-Natatorium - **DISTRICT D - EDWARDS** – **(This was Item 14 on Agenda of January 19, 2005, TAGGED BY COUNCIL MEMBERS HOLM and ELLIS)** – was presented, and tagged by Council Member Wiseman. Mayor White and Council Members Galloway, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she understood that there was an amendment to be offered and asked Council Member Wiseman if she would release her tag so they could hear the amendment, and Council Member Goldberg stated that the tag was fine, that he would introduce his amendment next week. Mayor White and Council Members Galloway, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan moved to return to the public session, seconded by Council Member Ellis. All voting aye. Nays none. Mayor White and Council Members Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0055 ADOPTED.

Mayor Pro Tem Alvarado requested the City Secretary to call the next speaker. Mayor White and Council Members Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Preston Blackmon, 1529 Wirt Rd., No. 44, Houston, Texas 77055 appeared and requested that the City Council allow Mr. Michael Hickmon speak for their group. Mayor White and Council Members Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated if there was no objection it was so ordered and asked Mr. Hickmon to come up to the podium. Mayor White and Council Members Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Michael Hickmon appeared and stated that they had a problem, air pollution, that every day the average adult would breathe 3,400 gallons of air into their lungs, that children were always playing outdoors and their lungs were still developing, that the elderly were very sensitive and most elderly people had heart and lung disease, that pollution was caused mostly by power plants and industrial sources and motor vehicles, that it was up to them to make choices on how to solve those problems. Mr. Hickmon continued to review an article regarding the pollution, a copy of which is on file in the City Secretary's Office for review, until his time expired. Mayor White and Council Members Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

At 1:00 p.m. the City Council returned to the agenda. Mayor White and Council Members Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Ellis moved to suspend the rules to consider Item No. 12 out of order, seconded by Council Member Khan. All voting aye. Nays none. Mayor White and Council Members Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0056 ADOPTED.

12. **ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the use of certain Political Contributions by Candidates for City Elective Office - was presented, and tagged by Council Member Wiseman. Mayor White and Council Members Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Ellis stated that he would respectfully request that his colleague remove her tag, that it was his understanding that the effect of the amendment to Chapter 18 would not go into affect until the next election cycle and would not affect this election cycle therefore making it moot and if it was her intention to keep her tag in place then she would respectfully request that the Chair overrule her tag because it would make the item moot. Mayor White and Council Members Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado requested Mr. Michel to respond, and Mr. Michel stated that he had looked into the item this morning and it was his understanding that they could apply it at the point that Council took action and it became effective but it would not prohibit conduct during the filing period before that, and Council Member Ellis asked if someone were to transfer all of their funds on February 1, 2005 it would be alright, and Mr. Michel stated yes, and Council Member Ellis stated that it might become a political issue that might be brought up during their campaign as well so he would withdraw his request from the Chair.

Council Member Quan stated that as Chairman of the Ethics Committee he wanted to say that the item was brought by Council Members to discuss a fair playing field for people seeking to run for City Council, that it had been brought to their attention that many people ran other campaigns and accumulated monies in other campaigns and were allowed to solicit funds during periods where they as Council Members were not out soliciting funds therefore they could accumulate a very large amount of money and then transfer to a Council account which would give them an advantage to somebody not subject to those rules, that there were two meetings of the Ethics Committee to look at it and working with the Legal Department and the administration what they sought to do was simply provide a fair playing field, that they be allowed to transfer up to what was legally permissible now, which would be \$10,000 but subject to any changes in the Council rules in the future, so that was the reason for bringing the item to Council. Mayor White and Council Members Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she wanted to point out that the issue was brought forth by the Ethics Committee not the administration and there were two meetings on it. Mayor White and Council Members Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards asked if it was regarding all candidates, and Council Member Quan stated that it would apply to all candidates, all campaign contributions. Council Members Garcia, Sekula-Gibbs and Berry absent.

Council Member Wiseman stated that she tagged the item because she had additional questions and seeing as there were some Council Members who took issue with their raising questions and discussing items that they could very well tag, she would maintain her tag on the item, that with respect to it being rendered moot, it was not rendered moot, it could just not be applied as soon as someone would like to have it applied, they could change the ordinance at any time. Council Members Garcia, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that he wanted to add to what Council Member Quan stated, that basically it was to make a level playing field, that if they were using other people's money and they raised it during a time that it was a blackout period or raised it in proportions much higher than the ordinance allowed, they allowed \$5,000 or \$10,000, depending on the group, that in other elected offices there was no limit and that really got rid of the level playing field, that they also run what they say they were running for, that he wanted to congratulate Council Member Quan for taking up the issue. Council Members Garcia, Sekula-Gibbs and Berry absent.

Council Member Galloway stated that she wanted to verify what Mr. Michel stated, that if they passed it prior to February 1, 2005 that a person who planned to run could file on February 1, 2005 with a treasurer and take that money and transfer into their account for a City election, and Mr. Michel stated that was correct, that they could not transfer after the time of passage, and Council Member Galloway stated that she wished Council Member Wiseman could release her tag so they could put the ordinance into effect, that she liked the level playing field, that she thought it was a good ordinance and wanted to applaud the Ethics Committee for coming forth with it. Council Members Garcia and Berry absent.

Council Member Green asked if the item was not tagged and passed today it would affect everyone who was wishing to run for any City elected office and thought it was pretty clear, but if they voted on it next week then they were essentially alerting those candidates that they should file on February 1, 2005. Council Members Garcia and Berry absent.

Council Member Ellis moved to override the tag on Item No. 12, seconded by Council Member Sekula-Gibbs, and a roll call vote was called. Council Members Garcia and Berry absent.

**ROLL CALL VOTE:**

Mayor White voting aye	Council Member Garcia absent
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry absent
Council Member Holm voting aye	MOTION 2005-0057 ADOPTED.

A vote was called on Item No. 12. Council Members Wiseman and Khan voting no, balance voting aye. Council Members Garcia and Berry absent. ORDINANCE 2005-0073 ADOPTED.

**CONSENT AGENDA NUMBERS 1 through 28**

**PROPERTY** - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jamila C. Johnson of Brewer & Escalante, on behalf of ExxonMobil Corporation (Van H. Rankin, Construction Project Coordinator), for abandonment and sale of a ±68.41-foot long portion of a 5-foot-wide utility easement and the attendant aerial easement, located within Unrestricted Reserve A, Block 1, Exxon Westheimer Subdivision, Parcel SY5-041 - **STAFF APPRAISERS - DISTRICT G – HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0058 ADOPTED.

**ORDINANCES** - NUMBERS 21 through 28

21. ORDINANCE approving and authorizing interlocal agreement between the City and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Relocation of the City's Utilities along the IH-10 Corridor, GFS S-0900-96-2 (WA10624-06) - **DISTRICT A – LAWRENCE** – was presented. All voting aye. Nays none. Council Members Garcia and Berry absent. ORDINANCE 2005-0074 ADOPTED.
22. ORDINANCE appropriating \$2,488,327.71 out of Water & Sewer System Consolidated

Construction Fund and \$1,003,636.41 from the Drainage Improvements Commercial Paper Series F Fund for Reimbursement to Metropolitan Transit Authority of Harris County, Texas (METRO) for the Transportation Improvement Agreement approved by Contract No. 050109, Ord. No. 93-274 for Construction of the City's Storm, Water and Sanitary Sewer Lines in Metro's Downtown/Midtown Transit Street Program - Travis Street between Pierce Street and Commerce Street, GFS R-0537-32-3, S-0443-32-3 and M-0672-02-3 (SB9037-16); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund and the Drainage Improvements Commercial Paper Series F Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Garcia and Berry absent. ORDINANCE 2005-0075 ADOPTED.

23. ORDINANCE appropriating \$1,120,000.00 out of Airports Improvement Fund and approving and authorizing professional engineering services contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for Landside Roadway Repairs at George Bush Intercontinental Airport/Houston, Project No. 565; CIP A-0509 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Garcia and Berry absent. ORDINANCE 2005-0076 ADOPTED.
25. ORDINANCE approving and authorizing second amendment to professional engineering services contract between the City and **KLOTZ ASSOCIATES, INC** for Northeast Water Plant Well Collection Line and Flow Meters for Various Facilities; approved by Ordinance Number 2000-0079, (Co. No. 51482), CIP S-0936-04-2 (WA10605) – was presented. All voting aye. Nays none. Council Members Garcia and Berry absent. ORDINANCE 2005-0077 ADOPTED.
28. ORDINANCE appropriating \$7,523,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **SER CONSTRUCTION PARTNERS, LTD.** for East Lake Houston Unserved Areas Project Package III, GFS R-0801-09-3; (WW4744-03); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Garcia and Berry absent. ORDINANCE 2005-0078 ADOPTED.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

2. RECOMMENDATION from Director Houston Emergency Center for supplemental allocation of funds for contract with the **MITRE CORPORATION**, a not-for-profit company, for the purpose of expediting the reliability performance process of the Consolidated Computer-Aided Dispatch and Records Management Systems located at the Houston Emergency Center (HEC) - \$29,000.00 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Quan stated that he did not understand the item exactly, if they authorized \$29,000 more they would do their job faster than if they did not authorize the money and Mayor White stated that it was his understanding that they did one thing where they were reviewing the system and then they had another period of time where they would analyze the review and make recommendations and the City said to do it in 90 days and they said they were going to have to increase the number of people, the man hours they expended within a certain

period of time and it was that process of hiring additional people.

Council Members Quan and Wiseman stated that they would tag the item. Council Members Garcia, Ellis and Berry absent.

Council Member Sekula-Gibbs asked that her tag be added to the item; that they had quite a number of constituent concerns at a neighborhood meeting, that they were very concerned about the tower that the HEC center was planning to construct on the property, which she believed they leased, she did not think the City actually owned the property and she would like to know if it was mandatory that they have the tower located in proximity to the HEC center or was their an opportunity to have the tower located somewhat distantly from the HEC center, that it was really an important issue for the homeowners in the neighborhood, that also she shared the concerns of her colleagues about the need to pay more to have the expedited service and was it possible for them to have some sort of a Mayor's briefing, an abbreviated version of their findings. Council Members Garcia, Ellis and Berry absent.

Mayor White stated that he thought it was an appropriate request, that they should not have to wait until the very end to get a status report, that he would ask for Mr. Hall, Mr. Tinnerman and those within the Fire and Police who had line of authority directly over the dispatch function to respond to Council Members questions and get a preliminary report back to them. Council Members Garcia and Ellis absent.

Upon questions by Council Member Holm, Mayor White stated that as soon as they could have something that was meaningful, even if it was not the final report, they wanted to review it, and Council Member Holm stated that at the time of the final report, some accountability so that there was a process to report back the findings, and Mayor White stated that it would be a written report. Council Member Garcia absent.

Council Member Lawrence stated that when they heard about the antenna, since it would be at the corner of Pinemont and Shepherd they went out and visited the site and then they e-blasted out to all the neighborhoods in that area, which was in District A, and they thanked them for the e-blast and understood that their lives had changed since 911 and they did not get any complaints on the antenna, that she thought Council Member Garcia had received a few since they were on the borderline, that some of those were concerning with flooding, but in her district, at this point, no one had complained about the antenna. Council Members Goldberg, Garcia and Quan absent.

### **ACCEPT WORK**

3. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$3,857,807.18 and acceptance of work on contract with **THYSSEN STEARNS, INC** for Passenger Loading Bridges at William P. Hobby Airport; Project No. 417C; CIP A-0141 - 35.85% under the original contract amount - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Members Khan, Galloway and Green. Council Members Goldberg, Garcia and Quan absent.

Council Member Galloway stated that she knew they had quite a bit of change orders on Item No. 3 and it did reduce the cost but there was no effort to meet any amount of the goal and showed that there were some MWBE's that could have participated and she would like a report in detail as to why those particular vendors were not used on this contract, that she did not know how they were going to give them a satisfactory rating when they did not meet any of the goals, and Mayor White stated that they would get her that report. Council Members Garcia and Quan absent.

Council Member Khan stated that he had the similar questions on the MWBE goals but

also had a very serious concern that the original contract was over \$6 million and reduced to \$3 million, that he would like to have someone address that and give him a briefing whether the reduction of the scope would result in actual savings for the City in terms of the dollar amount versus the scope of work.

Mayor White stated that he had asked Council Members Garcia and Berry to add to the agenda of their committee meeting on Monday a new item that would be posted on the agenda on Friday, there would be reports on that item, which were some based on the review and recommendations of those working in the field, they felt that it was important to have some ordinances starting with Safeclear but applying across that gave them some authority to regulate the ability to give a permit for a driver to tow, that one of the issues would be the number of people who were out there right now in tow trucks that had significantly criminal histories and what should they do about that issue, that Council Members would be fully briefed.

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,962,863.29 and acceptance of work on contract with **E. P. BRADY, INC** for East Lake Houston Unserved Areas, Package II; GFS R-0801-08-3; (4744-2) - 03.42% under the original contract amount - **DISTRICT E – WISEMAN** – was presented, moved by Council Member Galloway, seconded by Council Member Green. Council Member Garcia absent.

Council Member Galloway stated that she wanted to compliment E. P. Brady, Inc. for well exceeding their goals. Council Member Garcia absent.

A vote was called on Item No. 4. All voting aye. Nays none. Council Member Garcia absent. MOTION 2005-0059 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,701,908.18 and acceptance of work on contract with **BEARDEN CONTRACTING COMPANY** for Construction of Water Line Grid Extension Package II at Various Locations, GFS S-0700-55-3 (WA10676) - 02.52% under the original contract amount **DISTRICT D – EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Garcia absent.

Council Member Galloway stated that she wanted to compliment Bearden Contracting company for well exceeding their goals as well and coming in under the contract amount. Council Member Garcia absent.

A vote was called on Item No. 5. All voting aye. Nays none. Council Member Garcia absent. MOTION 2005-0060 ADOPTED.

## **PROPERTY**

7. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels AY4-042A and AY4-042B, located at 1911 Holcombe Boulevard, owned by LYME/HOUSTON Development I, L. P. a Delaware limited partnership, David Clem-Directing Manager, for the **CAMBRIDGE PAVING PROJECT (from Old Spanish Trail to MacGregor Drive)**, CIP S-0900-98-2 - \$77,740.00 - Enterprise Fund - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Garcia absent. MOTION 2005-0061 ADOPTED.

## **PURCHASING AND TABULATION OF BIDS**

8. **ENVIROTECH MECHANICAL, L.L.P.** for Mechanical Equipment Replacement for Health

& Human Services Department - \$132,585.00 and contingencies for a total amount not to exceed \$139,214.25 - Public Health Consolidated Construction Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Garcia absent. MOTION 2005-0062 ADOPTED.

9. **PATTERSON DENTAL** for Dental Supplies (Just-In-Time) for the Health & Human Services Department - \$765,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Garcia absent. MOTION 2005-0063 ADOPTED.
10. ORDINANCE appropriating \$664,000.00 out of Water & Sewer System Consolidated Construction Fund for Spending Authority to address the Emergency Repair of the 8-inch Force Main at the Buckingham Lift Station for the Public Works & Engineering Department, CIP R-0266 – was presented. Council Member Garcia absent. ORDINANCE 2005-0079 ADOPTED.
- 10a. RECOMMENDATION from Finance & Administration Department for approval of spending authority in an amount not to exceed \$664,000.00 to address the Emergency Repair of the 8-inch Force Main at the Buckingham Lift Station for the Public Works & Engineering Department, and to issue purchase orders to **BRH-GARVER CONSTRUCTION, L.P.** – was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Garcia absent. MOTION 2005-0064 ADOPTED.

## **ORDINANCES**

11. ORDINANCE **AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Bureau of Animal Regulation and Care – was presented, and tagged by Council Member Wiseman. Council Member Garcia absent.

Council Member Sekula-Gibbs stated that she wanted to add her tag to the item and wanted some clarification from the Health Department on the process of spay and neutering that they were going to be engaging in and also clarification on the spread of the charges, that they were going to be requesting an increase in the charge for adoption services as well as impoundment services, that she would like clarification on the letter that Mr. Wilson brought to them at the committee meeting when he said there would be areas of the City pound that would no longer be available to the public, that she had some concerns about that and one of her constituents was also concerned about that. Council Members Garcia, Ellis and Berry absent.

13. ORDINANCE approving and authorizing contract to Reimburse St. Anne Catholic School, and for payment of School Crossing Guards from the Child Safety Fund – was presented. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0080 ADOPTED.
14. ORDINANCE approving and authorizing contract between the City of Houston ("City") and the **ALDINE INDEPENDENT SCHOOL DISTRICT** to administer an After School Achievement Program ("ASAP") at Two (2) Selected Schools - \$40,000.00 - CDBG Funds - **DISTRICT B - GALLOWAY** – was presented. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0081 ADOPTED.
15. ORDINANCE approving and authorizing first amendment to agreement with the **CLEAR CREEK INDEPENDENT SCHOOL DISTRICT** to add Clear Lake Intermediate School as an additional After School Achievement Program ("ASAP") Site and to provide \$20,000.00 in additional funds CDBG Funds - **DISTRICT E - WISEMAN** – was presented. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0082 ADOPTED.
16. ORDINANCE approving and authorizing first amendment to agreement with the **SPRING**

**BRANCH INDEPENDENT SCHOOL DISTRICT** to delete Buffalo Creek Elementary School and Landrum Middle School as After School Achievement Program ("ASAP") Sites and to reduce funding by \$40,000.00 - **DISTRICT A - LAWRENCE** – was presented. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0083 ADOPTED.

17. ORDINANCE amending Ordinance No. 2001-901 to increase the maximum contract amount; approving and authorizing service contract amendment between the City and the **DEPARTMENT OF STATE HEALTH SERVICES** (Contract #53203) for Women's Health Laboratory Services \$200,000.00 - General Fund – was presented. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0084 ADOPTED.
18. ORDINANCE approving and authorizing contract between the City and **AKIN GUMP STRAUSS HAUER & FELD LLP** for Federal Representation; providing a maximum contract amount 2 Years - \$552,000.00 - General Fund – was presented, and tagged by Council Members Wiseman and Sekula-Gibbs. Council Members Garcia, Ellis and Berry absent.

Council Member Khan stated that he wanted to have some questions answered, that looking at the RCA he understood they were paying \$30,000 less per year under this contract from the previous one and thought it would be important for them to know what they got for the contract amount last year and what did they expect to get this year, and Mayor White stated that they would get that information for him. Council Members Garcia, Ellis and Berry absent.

Council Member Goldberg stated that while he was in Washington last week he had a chance to visit at the law offices of Akin Gump and they had a strong emphasis on transportation and a lot of their people worked for the Department of Transportation and worked for Congressmen and Senators and thought they would do a great job. Council Members Garcia, Ellis and Berry absent.

Council Member Sekula-Gibbs stated that she wanted to ask either Mayor White or Ms. Travis to explain about the different perspective, she saw that on the State level they went with a wide spectrum of different lobbyists, whereas with the federal government they chose one law firm, and Mayor White stated that they would get that briefing to her. Council Members Garcia, Ellis and Berry absent.

19. ORDINANCE approving and authorizing Utility Functions and Services Allocation Agreement between the City of Houston and the **TEXAS INVESTMENT AND DEVELOPMENT COMPANY, INC** on behalf of the proposed Harris County Municipal Utility District No. 409 - **DISTRICT D – EDWARDS** – was presented. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0085 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City of Houston and **OCE' BUSINESS SERVICES** for Copier Equipment, Copier Services and Copier Software – was presented. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0086 ADOPTED.
24. ORDINANCE appropriating \$719,420.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **ESPA CORP.** for Design of Neighborhood Street Reconstruction Project; CIP N-0379-01-2 (SB9186); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - GOLDBERG** – was presented.

Council Member Goldberg stated that the item was in the CIP for a long time and it was his understanding that it took a year to come up with the agreement for the engineer and design

and wanted an explanation of what took so long to come up with an agreement for the company to do the work, and asked that someone from Public Works or the administration to get back with him. Council Members Garcia, Ellis and Berry absent.

A vote was called on Item No. 24. All voting aye. Nays none. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0087 ADOPTED.

Mayor White stated that Council Member Goldberg should get that explanation if Mr. Norman would follow through. Council Members Garcia, Ellis and Berry absent.

26. ORDINANCE appropriating \$8,347,000.00 out of Police Consolidated Construction Fund, awarding Design/Build Contract to **SPAWGLASS CONSTRUCTION CORPORATION** for Repair of the Westside Command Station, GFS G-0020-05-3; providing funding for engineering testing services, Civic Art Program and contingencies relating to design and construction of facilities financed by Police Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented.

After discussion by Council Members, a vote was called on Item No. 26. All voting aye. Nays none. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0088 ADOPTED.

27. ORDINANCE appropriating \$379,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contact to **JERDON ENTERPRISE, L.P.** for Wastewater Facilities Safety Improvements, GFS R-0302-07-3) (WW4827); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS; E - WISEMAN and H - GARCIA** – was presented. All voting aye. Nays none. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0089 ADOPTED.

**MATTERS HELD** - NUMBERS 29 through 34A

29. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,400,666.87 and acceptance of work on contract with **PEDKO PAVING, INC** for Neighborhood Street Reconstruction Project No. 441, GFS N-0374-01-3 (SB9042) - 01.55% over the original contract amount - **DISTRICTS D - EDWARDS and H - GARCIA** – **(This was Item 4 on Agenda of January 19, 2005, TAGGED BY COUNCIL MEMBERS GREEN and GARCIA)** – was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Edwards. Council Members Garcia, Ellis and Berry absent.
30. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,521,636.50 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of West Fuqua from South Belt to Campden Hill, GFS N-0489-01-3 (N-0489-01) - 00.90% under the original contract amount - **DISTRICT D - EDWARDS** – **(This was Item 5 on Agenda of January 19, 2005, TAGGED BY COUNCIL MEMBER GREEN)** – was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Edwards. Council Members Garcia, Ellis and Berry absent.
33. ORDINANCE **AMENDING SECTION 14-182 OF THE CODE OF ORDINANCES,**

**HOUSTON, TEXAS**, relating to Removal. Demotion and Suspension of Employees – **(This was Item 23 on Agenda of January 19, 2005, POSTPONED BY MOTION #2005-46)** – was presented. All voting aye. Nays none. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0090 ADOPTED.

34. Written Motion by Council Member Galloway to amend Sec. 2-277, Section 7, of Item 34A below, to add the following clause, which will serve the purpose of specifically identifying the divisions of the Mayor's office in the ordinance:

"...Department director. Each person appointed as a department director by the mayor and confirmed by the council to assume the administrative duties of the various departments of the city. For purposes of administering this article only, each person appointed by the mayor as the director or head of the division for each of the divisions of the mayor's office which is limited to each of the following (311, Citizens Assistance Office, Affirmative Action (including the Office of Disabilities and One Stop Business Center), 911/Houston Emergency Center) shall also be considered a "department director." – **(TAGGED BY COUNCIL MEMBERS ALVARADO and GALLOWAY)** – was presented. All voting aye. Nays none. Council Members Garcia, Ellis and Berry absent. MOTION 2005-0065 ADOPTED.

**Note:** Section 2-277 in the Motion submitted by Council Member Galloway was in error and should have been Section 14-27. Section 7 referred to was the section in the ordinance that the Motion amended.

- 34a. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the term Department Director – **(This was Item 24 on Agenda of January 19, 2005, POSTPONED BY MOTION #2005-47)** – was presented as amended. All voting aye. Nays none. Council Members Garcia, Ellis and Berry absent. ORDINANCE 2005-0091 ADOPTED.

## **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Edwards stated that she wanted to thank Mayor White's office for responding to the Bethel Church incident and Council Member Alvarado and her staff and all of the response by Chief Lumpkin and Chief Cook from the Fire Department, they still had a long way to go but she appreciated the stopping of the demolition until they could find a strategy that could be a win win for both the property itself and for the citizens of Houston, that it was a historical site and she thought it warranted that type of attention. Council Members Goldberg, Garcia, Ellis, Quan and Berry absent.

Council Member Edwards stated that they were still having concerns regarding the Balkin Street issue, about the reconstruction of those streets, that the decision was in Mayor White's court and she needed to know if they were going to reconstruct the streets, they could not fix them, that Mr. Lincoln and Mr. Krueger had been awesome in their response and she thought they said there was another way they could fix them but she was still not clear and they needed to give the community a clear decision as to what they were going to do or were they going to tell the community to get back in line and ask for another CIP project, and Mayor White stated that he was briefed on the issue and asked Mr. Norman to if he could pass the concern on to Mr. Marcotte they would cover the issue on Friday's regular meeting and they would get back with Council Member Edwards. Council Members Goldberg, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the trip to Ethiopia was very successful with the Houston Museum of Natural Science regarding Houston hosting the Lucy Project, that they had some challenges but she thought they could get through those challenges and thought it was going to be an awesome opportunity, that they were looking at millions of people coming to Houston to see the exhibit and they were going to have to have a very aggressive satellite parking program set up with Metro or someone so she would look forward to the Mayor's office helping to find a way that they could manage the traffic problem. Council Members Goldberg, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the Museum of Fine Arts was going to showcase a presentation starting Saturday, January 28, 2005 and it was one of the largest collections of African Art, that it would profile 33 artists from 15 African countries, that it would be a great weekend for them to enjoy as a community and she encouraged them to be a part of it, that on Friday there would be some activities but the program would open on Saturday. Council Members Goldberg, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank the Special Events Department, Ms. Susan Christian and Mr. Joe Turner, Parks and Recreation for helping them put together a memorial tribute to Martin Luther King at Bricker Park in the Sunnyside area. Council Members Goldberg, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as to the issue of the DNA and the DPS, that she had not had the full knowledge of what they were proposing and if the State was proposing in being supportive to help them raise monies to do the things that needed to be done she was willing to say it was good but she was not in support of them having any type of leadership role in it or taking the position of special investigator, the State DPS DNA Lab had as many problems as Houston had so she did not know how they could be so helpful in helping Houston get rid of their problems but she encouraged and welcomed support, but was still putting forth the position of their having a special investigator that had the expertise. Council Members Goldberg, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to thank Mr. Al Russell, they had setup a meeting of the County emergency program and they had 25 residents of District A show up for the meeting last night and they had setup another emergency team meeting to get trained throughout District A and Mr. Russell had really worked hard on that. Council Members Goldberg, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that they had setup an appointment with the Affirmative Action Director to let her know that they had some contractors come to them over the last six months to find out what their status was and could not get an answer and she cancelled the appointment and they had not heard from her so she hoped that the director moved forward to meeting with them so they could find out what was going on for the contractors because their application had kind of been in limbo. Council Members Goldberg, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White asked Ms. Stein to communicate that to the Director of Affirmative Action, that he generally found her responsive and that was not acceptable. Council Members Goldberg, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to commend Chief Boriski and Mr. Terrance Fontaine of the Mayor's office for assisting with the issue at the Bethel Church and appreciated Council Member Edwards being out there and the leadership role that she had taken. Council Members Goldberg, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that yesterday the City of Houston received a very generous gift from Chevron Texaco and she and Mayor White were at the event where the deed was handed over for Cool Green Park, a 130 acre golf course park which was donated by Chevron Texaco to the City and it included an additional 34 acres of greenspace, that she wanted to congratulate the Parks Department and the Parks Board for that. Council Members Lawrence, Goldberg, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to thank Mr. Issah Dadoush, Director of Building Services, who had been very supportive, that in the last week she had visited two fire stations in her district and came away disappointed with some of the conditions that the firefighters had to deal with, like plumbing and air-conditioning and heating not working and furniture and locker issues and she was pleased to say that he had resolved a majority of those issues but had said that from here on out all fire stations would be inspected for maintenance problems on a regular basis and she really appreciated that. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to echo Council Member Edwards words about the crime lab and she was pleased and enthused about some of the leadership at the State level and hoped they would have that same passion when the City wanted to talk about strengthening environmental rules and regulations and how to decrease the number of uninsured people in the City. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that as to Bethel Church they needed to help him figure out what was the right balance of interest and whether the structure would be preserved, that he had talked to Chief Hurtt and thought they had an officer out there 24 hours, 7 days a week so nobody would

get hurt, but for every police officer doing that there was something else they were not doing so if they could make a decision on what to do, that if it was in a situation where they did not need police presence for people to be safe then that was a decision that needed to be made, that he wanted to thank them for making sure that they did not just do business as usual without thinking of the historical significance, but he did not want to be back in two weeks and they were still having 24/7 coverage. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that yesterday Mayor White gave the state of the City and he wanted to thank Mayor White for doing a wonderful job, that he worked very hard and showed leadership and thought the City of Houston was better off with him as Mayor, that he had some suggestions from his constituents, that they should look at the corridors where Metro was putting the rail and give some type of incentives to developers to develop the corridors for people to live there and have work places there so they had an actual growth of residential centers with the mass transit; that regarding Section 8 Housing, that in many places they only had Section 8 Housing and it was really turning into slums, so if he would look into having mixed use kind of development so they would have a quality of life in each neighborhood rather than having run down neighborhoods every where. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Council Member Khan stated that they needed to look at the need for Neighborhood Protection and Planning and things like that, that there was more response when they talked about Planning so he thought it would be very much in the interest of people if they looked into that area in the coming months. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Council Member Khan stated that the Alief YMCA would have their annual benefit campaign on Saturday, February 12, 2005 at the Knights of Columbus at 11611 Beechnut. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Council Member Khan stated that he wanted to thank the members of the Alief Super Neighborhood Council and the people in the neighborhood who planted lots of trees on Saturday at Bissonnet and Synott area. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Council Member Khan stated that last night they had a meeting about the Alief Park and they wanted to share the concern that they wanted to preserve the park with the soccer fields but they were also looking forward to getting health and wellness centers and things of that nature and were all willing to participate and help. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Council Member Khan stated that as to Bethel Church they needed to be sensitive to the history of the City and in that regard he wanted the church to be preserved in that area. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Council Member Quan stated that the first Consolidated Plan Meeting would be held on Thursday at the City Hall Annex Chamber, that they normally had about \$60 million in HUD funds and hoped that would be cleared but it was the citizens opportunity to provide input as to what the priorities were for the neighborhoods and communities around the City so he invited everyone to attend, it would be at 7:00 p.m. at the annex Council Chamber. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Council Member Quan stated that on Saturday at the Fifth Ward Multi Service Center the plans for redevelopment of the Fifth Ward would be on display and comments would be solicited from the public. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Council Member Quan stated that he wanted to commend Mayor White for the State of the City address yesterday and they looked forward to working on the Houston Hope Project to transfer a number of neighborhoods around Houston to bring up the standards of living for Houstonians. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Mayor White stated that as to the journalists who covered City Hall, he had reviewed his words and there was a term of art that he did not use and thought he had not used it which was subsidized housing which was thought by some people as meaning Section 8 multi family, so for some citizens who might read subsidized housing to be Section 8 that was not the intent. Council Members Lawrence, Goldberg, Holm, Garcia, Alvarado, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated she wanted to address the issues that they had been raising on the tow ordinance and also wished to address action that was taken at the Council table that she found extremely offensive, one of their colleagues decided that the rules should be ignored because he did not want to hear opposition to what he had been pushing for some time, that the Council Member made reference to Roberts Rules of Order and it was unfortunate that the Council Member was not familiar with Roberts Rules of Order because he would know that the whole purpose of Roberts Rules of Order was to protect the rights of the minority in the assembly, that to attempt to quiet members of a deliberative body was unacceptable and offensive. Council Members Lawrence, Goldberg, Holm, Garcia, Alvarado, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she wanted to a report for the Garden City Park residents on the Champ Water Company, that she had brought it to the administration's attention some time ago because the people in the community did not have working fire hydrants and they had poor water service, that she wanted a status report on it before the end of the week. Mayor White and Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that they would be having the plans for the Fifth Ward Redevelopment as Council Member Quan stated on January 29, 2005 from 10:00 a.m. to 1:00 p.m. at the Fifth Ward Multi Purpose Center at 4014 Market Center, that they needed to R.S.V.P. at 713-837-7887 by January 27, 2005, if they planned to attend. Mayor White and Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that at the Mayor's State of the City he talked about all the delinquent properties that they were going to try to get for redevelopment purposes and most of those properties were located in District B, Acres Homes, Setagast and Trinity Gardens, and she wanted to make note to the Mayor when they started Project Houston Hope that he would set up some type of advisory from the community so they could have input. Mayor White and Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to echo the comments made about Bethal Baptist Church, that many people had come to the aid of Pastor Robertson and members of the church and he wanted to thank Walter P. Moore Engineering for sending a volunteer structural engineer, Mr. Gordon Shepard, to inspect the structural remains of the church and he had spoken with Pastor Robertson and they were working on a plan to stabilize the existing walls. Mayor White and Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to thank the Neighborhood Protection Department, specifically Ms. Myra Hepolite and Chief Lumpkin for responding to an issue in Kashmere Gardens that they worked with Council Member Galloway on, that she had been working very hard to get a vacant house torn down next to the Greater Mount Sharon Baptist Church, which burned down several years ago, that it was taken care of last week. Mayor White and Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 2:10 p.m. Mayor White and Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary