

City Council Chamber, City Hall, Tuesday, February 17, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 17, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 2:04 p.m. Mayor White called the meeting to order and Council Member Sekula-Gibbs led all in the prayer and in the pledge of allegiance. Council Member Quan absent.

At 2:06 p.m. the City Secretary called the roll. Council Member Quan absent.

Council Members Holm and Sekula-Gibbs moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Quan absent. MOTION ADOPTED.

Council Member Ellis moved that the rules be suspended for the purpose of adding Mr. Keith Lawyer to the list of speakers, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0169 ADOPTED

Council Member Garcia moved that the rules be suspended for the purpose of hearing from Mr. Bill Elkin out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0170 ADOPTED

Mr. Bill Elkin, P. O. Box 2288, Houston, Texas 77252-2288 (281-345-7007) appeared and stated that he was executive director of the Houston Police Retired Officers Association representing over 1,000 retired officers and surviving spouses; that he had reviewed an insurance proposal and it appeared they would be burdened with a 125% increase yet for every dollar paid in only ninety five cents would be paid out and it was an undue burden. Council Members Alvarado, Quan, Green and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Mr. Bill Elkin to speak, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Alvarado, Quan, Green and Berry absent. MOTION 2004-0171 ADOPTED

Mr. Elkin stated that he would ask that Council look at the retirees plight as there may be alternatives which would lesson that burden. Council Members Alvarado, Quan, Green and Berry absent.

Upon questions by Council Member Garcia, Mr. Elkin stated that he thought this had not been fully explored and he thought it would behoove Council to look into it. Council Members Alvarado, Quan, Green and Berry absent.

Council Member Ellis stated that they would have to share a higher percentage of the burden, but they would gladly receive input from his organization on how they would like the health insurance structured and encouraged him to reach out to the Human Resources Director and give input and if he would call his office he would help him set something up; and Mr. Elkin stated that he would be glad to offer input. Council Members Alvarado, Quan, Green and Berry absent.

Mayor White stated that Chairman Ellis made a good point; that certain cards were dealt with the expiration date approaching and there were features of health benefit design which they would review thoroughly and they would welcome suggestions; that he thought loss runs

should be provided and be the subject of specific discussion. Council Members Green and Berry absent.

Ms. Rhonda Lore, (address and phone number omitted) as requested, appeared and stated that a spa and porn shop was about 300 feet from her six year old's elementary school and not surprisingly crime had gone up; that she now found a massage parlor near her home and an attempted abduction of an 11 year old at the bus stop; that it was proven SOB's had adverse secondary affects on communities breeding and attracting violent criminals and reeked havoc on safety of families and property values; that her number one problem today was Asian massage parlors and modeling studios which pretended to be legitimate businesses and her number two problem was an SOB porn shop near her daughter's school; that in 1997 Council established a 1,500 foot distance from schools and in 1998 the district court struck it down leaving in tact the previous 750 foot rule, but vice could not do much as the City Attorney had said to not enforce any footage at all which did risk safety of all communities. Council Member Green absent.

Council Member Holm moved that the rules be suspended for the purpose of extending time for Ms. Rhonda Lore to speak, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Green absent. MOTION 2004-0172 ADOPTED

Ms. Lore stated that limited resources should not deter prosecutors from enforcing the law and it should place the burden to use resources wisely; that continuous and vigorous enforcement of the SOB ordinance was the answer. Council Member Green absent.

Council Member Lawrence stated that she spoke with Chief Stewart last week and they were starting a taskforce and looking into other cities and conferring with Legal and trying to give her area some relief; that they did just provide a sting and issue more tickets; and Ms. Lore stated that other cities were dealing with the same topic and when their sexually oriented business ordinances were in litigation they continued to enforce the existing SOB ordinance on the books prior to the changes and she was requesting that the City's minimum requirement of a 750 feet distance still be enforced. Council Member Green absent.

Council Member Sekula-Gibbs stated that the issue was on the minds of many Council Members and Council Member Quan was chair of the Neighborhood Housing and Redevelopment Committee and had experience and had removed a parlor from a neighborhood, but it was with the help of those around letting them know they were being watched and she thought it would be reasonable to have it come up in that committee if Mayor White would support it; and Ms. Lore stated that SOB's and massage parlors were two different issues and was made complicated when the terminology was confused. Council Member Green absent.

Council Member Quan stated that a lot of work was done on this and with the new City Attorney maybe they could move forward; that they did want to look at Section 125 of the Municipal code and he would work with Council Members Lawrence and Garcia and see what could be done throughout the city. Council Member Green absent.

Council Member Holm moved that the rules be suspended for the purpose of extending time for questions relative to remarks of Ms. Rhonda Lore, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Green absent. MOTION 2004-0173 ADOPTED

Upon questions by Council Member Holm, Mr. Bibler stated that since Judge Atlas struck down the 1,500 foot rule the decision was made to not give business a permanent advantage by allowing them to move into places and stay there, but rather utilize provisions of the ordinance which allowed a temporary permit to be given out and if the City prevailed the businesses would have to relocate on a 3 day notice; that the City just won a major victory in this case in the Fifth

Circuit but unfortunately the posture in which Judge Atlas left the case it required the case to be remanded back to her court and there would now have to be additional proceedings and he was afraid of a second appeal also; that with respect to massage parlors there was a very effective state law and it was difficult to obtain a license, but he was not aware of them calling themselves that. Council Member Green absent.

Council Member Garcia stated that he would ask for priority to be placed on Chapter 125 and all issues in that chapter were a part of the Public Safety Committee agenda; and urged Ms. Lore and others to continue to report and identify such locations. Council Member Garcia further stated that he was also looking at whether or not they had a handle on the hourly motels and his guess was they were not collecting enough hotel/motel tax from them. Council Member Green absent.

Council Member Edwards stated that there were many SOBs in her community operating full blast and she thought something serious did need to be done and she would join in with anyone in looking at the issue. Council Member Green absent.

Upon questions by Mayor White, Mr. Bibler stated that he would have to defer to Mr. Douglas and the outside council to advise him on enforcing the 750 foot rule; that the believed by that enforcement they would forfeit the City's right to enforce the 1,500 feet distance which could be upheld, but the issue could be revisited. Mayor White stated that Ms. Lore prompted a good discussion, but he would like to comment that as far as he was concerned whatever they could do lawfully to keep such places shut down the Administration was for; that he as looking at other communities and what had been done and at retired officers maybe working on the nuisances. Council Member Green absent.

Mr. A. J. Williams, 1315 Diplomat Way, Houston, Texas 77088 (281-447-6936) had reserved time to speak but was not present when his name was called. Council Member Green absent.

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

Mr. Keith Lawyer, who was previously added to the Speakers List, was not present when his name was called. Council Member Green absent.

Mr. Jose Morales, 4002 North Main, Houston, Texas 77009 (713-880-1564) had reserved time to speak but was not present when his name was called. Council Member Green absent.

Mr. Gabriel Gomez, 9120 Camay Drive, Houston, Texas 77016 had reserved time to speak but was not present when his name was called. Council Member Green absent.

Mr. Frank Black, 5112 Clay, Houston, Texas 77023 (713-301-6813) appeared and stated that he was present trying to get some ditches fixed; that years ago the City came and dug them out eight feet wide and 3-1/2 feet deep and they stood with six inches of stagnant water, mosquitoes, etc., two neighbors died while mowing their ditch and the end of his shoe was cut off; that all they wanted was a cheap fix of throwing a pipe in and covering it with dirt; that City surveyors came out and said it was done wrong, but when it got to Public Works they said nothing was wrong. Council Members Green and Berry absent.

Council Member Alvarado stated that her office was familiar with this and it was also in her and other districts; that Mr. Black was asked to make a CIP application, but with finances she would like to know what could be done to correct the problem and would like someone in Public Works to address the issue and come up with an alternative; and Mr. Black stated that a couple of years ago he and his neighbors offered to buy the pipe from the same company the City purchased theirs from and pay for the construction, but were told each home had to apply for

the permit and hire an engineering firm and a contractor and it would cost about \$60,000 per household for a 50 foot wide piece of land and they did not have that money; that they only wanted a simple way out. Council Members Goldberg, Green and Berry absent.

Council Member Sekula-Gibbs stated that other constituents had said similar such things and her concern was shared with Council Member Alvarado that the CIP was in a state of flux and she felt they should listen to him as best they could. Council Members Goldberg, Green and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of hearing from Mr. Robert Fiederlein with Public Works, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Goldberg, Green and Berry absent.  
MOTION 2004-0174 ADOPTED

Upon questions by Mayor White, Mr. Black stated that the neighbors were willing to pay for the repair to the ditches and believed the pipe was \$14.00 a foot and it was the same pipe the City used; that he was also told by a City employee the yard was full of the pipe and it was just sitting there. Council Members Goldberg, Green and Berry absent.

Upon questions by Mayor White, Mr. Fiederlein stated that he was pretty familiar with the details and as he understood the ordinance currently required that it be engineered; that he would have to check and see if there would be a way to expedite it as opposed to doing it piecemeal, house by house, and see if a single engineer could design it. Mayor White stated that it would seem to him if someone had the right sized pipe with the right support under that a smart engineer should be able to look at say do this or that as opposed to someone writing up a report for thousands of dollars and if citizens were willing to buy materials that should be as when TxDOT took into account a contribution and expedited something; that citizens contributing and wanting to partner should count for a lot. Council Members Goldberg and Berry absent.

Council Member Garcia stated that he had Super Neighborhood Presidents asking if the City had no money why were they doing the CIP process and he would like to know the state of the CIP process, etc., and Mayor White stated that was a fair question; that he thought they needed community input and to make observations this had gone on a longtime where you had many good projects, but not enough money and whether they wanted to reform it to enhance communication was a good question and secondly where did they stand currently, perhaps they needed to get involved someone from outside with deep experience and Ms. Culbreth. Council Member Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of allowing additional discussion relating to Mr. Frank Black's remarks, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Berry absent.  
MOTION 2004-0175 ADOPTED

Mayor White stated that Council Member Ellis and the City Controller would be briefed on a proposal to refinance the GO debt to accommodate in a more prudent manner and they were close to making a proposal or suggestion on drainage, but he did believe he raised a good question of having an overall briefing on CIP and how to proceed with the meetings. Council Member Berry absent.

Council Member Khan stated that there were many good engineers in Public Works with not much to do right now and they could design the project for a lot less money and in a very short time. Council Member Berry absent.

Council Member Holm stated that they should take advantage of citizens wanting to partner with them and it seemed there would be a way to modify where they would not need to

go through such extensive design fees with engineers with it was such a simple remedy. Council Member Berry absent.

Council Member Galloway stated that it would require a flush out and that was why an engineer was needed. Council Member Berry absent.

Council Member Edwards stated that as chairman of the drainage committee she would like to see the area he was speaking of if he could take her by there; and upon questions, Mr. Black stated that a City employee had said pipe was available in the yard. Council Member Edwards stated that she would like Mr. Fiederlein to check on that and she would also like to speak to Mr. Black about communities being a part of the committee. Council Member Berry absent.

Ms. Jaba Thompson, 12915 Crystal Cove, Houston, Texas 77044 had reserved time to speak but was not present when her name was called. Council Member Berry absent.

Mr. Ray Hill, P. O. Box 3624, Houston, Texas 77253 (713-523-6969) appeared and stated that he was the committee chair of the Community Planning Group which was an organization working with the City Health Department to prevent the spread of HIV and also an officer and member of the board of the Hepatitis C Coalition and member of the board of the Fair Foundation which did seek equitable funding for all diseases which were infections and fatal; that public health was a health and safety and quality of life issue and currently the City of Houston gave very little money to HIV research and none to Hepatitis C research; that the federal government came up with policies primarily predicated into converting public money into private hands through pharmaceutical corporations and other entities and today was present asking that Council appoint and support an HCV, Hepatitis Taskforce, because currently in Houston there were more infected with Hepatitis C than had ever been infected with HIV. Council Member Berry absent.

Council Member Edwards stated that the request was made with Mayor Brown and it was her impression it was approved by him and sent to the Health Department; and upon questions, Mr. Hill stated that there was no current Hepatitis C Taskforce functioning in Houston and if so it was very secretive. Council Member Edwards stated that she would support their request, but also wanted an update from the Health Department. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she also thought a taskforce on Hepatitis C was formed; and Mr. Hill stated that 30% of prisoners were infected with HCV and they would not come out with good healthcare and would be burdensome on the public healthcare system and the quicker the City did something the more economical it would be in the long run. Council Member Berry absent.

Mr. Ed Wendt, 4411 Almeda, Houston, Texas 77004 (713-523-6969) appeared and stated that Council had proposed a taskforce, but it was never appointed as they had not wanted it placed under the Hepatitis C taskforce, HIV and HCV were too separate diseases; that they were present because a new Health Director was coming on board and they felt they had a golden opportunity and were asking Mayor White to form a taskforce. Council Member Berry absent.

Council Member Galloway thanked Mr. Wendt for staying on top of the matter and stated that she too thought there was a taskforce and it would be an advantage as they could help acquire additional funding. Council Members Alvarado and Berry absent.

Mayor White stated that as they now spoke they were pulling paperwork; that since this was brought to his attention he was asking Ms. Elena Maracs to form a taskforce within 30 days.

Council Member Edwards stated that she appreciated the Mayor moving forward on this, but her office sent a letter supporting advancement of a stand alone Hep C Committee and it was her understanding it was to be taking place so in addition to what was being done she would like the information; and Mayor White stated that he felt everyone wanted the information and it was getting attention.

Mayor White stated that as a point of personal privilege he would like to introduce the new City Attorney, Arturo G. Michel, who was one of the finest public law attorneys in the region and appointed today.

Council Members applauded Mayor White for his appointment of Mr. Michel and congratulated and welcomed him to his new position.

Mr. Robert Q. Robertson, 501 Pecore, Houston, Texas 77009 (832-643-0763) appeared and stated that he voted for Mayor White and was very proud of him; that he was present to voice his opinion on the rail system with a unique proposal; that in Chicago they have an elevated rail which worked for well over 60 years and it would be a great solution as Houston had a flooding system and with elevation there would be no closed rails and no accidents and cost should not be a problem with bond money, etc., that people will die with ground based rails and he would urge his proposal being looked into.

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Mr. J. W. Maseh and Mr. Damian O'Hale after Dr. Femi Babalola, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0176 ADOPTED

Ms. Janice Blue, 1708 Rosewood, Houston, Texas 77004 (713-522-6899) appeared and stated that Mr. Tillman Fertitta wanted to add live tigers to his Downtown Aquarium complex; that she read the white tigers were on order but some cubs were not yet born; that she could not believe he would make spectacles of such magnificent animals; that tigers belonged in the wild and not in cages and white tigers could not survive in the wild but should not be bred just for entertainment purposes. Mayor White, Council Members Galloway and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Miss Anna Nugent, 1907 North Boulevard, Houston, Texas 77098 (713-522-4059) appeared and stated that she was in third grade and had been studying tigers about 2-1/2 years and did not think they should be used for entertainment and kept in cages, but instead should be left in the wild where they belonged; and if they were kept in cages they needed a professional to take care of them. Council Members Galloway and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Ms. Blue stated that you could learn nothing about tigers from watching them in cages and it was absolutely and morally wrong. Council Member Galloway absent.

Upon questions by Council Member Garcia, Miss Nugent stated that tigers did not like being in cages and their lives would be better if left where they belonged. Council Member Garcia thanked Miss Nugent for coming to Council and expressing her concerns. Council Members Galloway and Ellis absent.

Council Member Edwards thanked Miss Nugent for being committed enough to come today. Council Members Galloway and Ellis absent.

Council Member Alvarado stated that she understood the white tigers were not in the wild and in fact were bred; and Ms. Blue stated that it was just horrible, but Mr. Marr was a tiger preservationist and could answer questions even better than she. Council Members Galloway and Ellis absent.

Mr. Cory Davis, 1094 Lampath, Kelowna, British Columbia V1C1N2 (216-346-0946) appeared and stated that he was from Canada, traveling the United States and Mr. Fertitta's restaurant was very nice but tigers were endangered and the white tigers he wanted to purchase were being bred for his use; that there were only about 3,500 tigers left and it was because of the same point of view that they were objects; that he heard the gentleman say he was doing this for conservation of tigers, but it would do nothing for conservation because people would only think of them as objects. Council Members Galloway and Ellis absent.

Mr. Anthony Marr, 4118 W. 11th Ave., Vancouver, British Columbia, Canada V6R2L6 (216-346-0946) appeared and stated that he was an international tiger preservationist specializing in the Bengal tiger; that Mr. Fertitta's plan to install white tigers did not come down as tiger conservation for several reasons; that white tigers were of no conservation value whatsoever; that he had never seen one in a natural habitat and it was because it was poorly camouflaged and could not catch prey, to him the only reason to keep a tiger in captivity would be to try and protect its gene pool and keep them from becoming extinct, but white tigers were without that value; that breeding of white tigers was also very unethical as the white fur gene was recessive and for them to have white pups you had to inbreed and sometimes as closely as parent to cub and among siblings and because of the deliberate inbreeding they were full of genetic defects and deformities in the body; that the bred tigers which were not bought to be caged would be sold for hunting and shot point blank; that the entire business was onerous and carried no ethical or conservation merit. Council Members Galloway and Holm absent.

Upon questions by Council Member Alvarado, Mr. Marr stated that up to this point no tiger had so far been proven capable of being rehabilitated back into the wild. Council Members Galloway, Holm and Ellis absent.

Council Member Sekula-Gibbs stated that some thought the white tiger was beautiful and they bred them for their rarity and beauty and it would bring people to come and see; that in the natural state they could not survive but it was giving a life it would not normally have. Council Members Galloway, Garcia and Ellis absent.

Council Member Quan moved that the rules be suspended for the purpose of continuing discussion by Council relating to tigers, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Garcia and Ellis absent. MOTION 2004-0177 ADOPTED

Upon questions by Council Member Goldberg, Mr. Marr stated that some zoos came in a wide range with some having wide motes and open spaces and so there were good and bad zoos; that in general he opposed human beings deriving pleasure from the suffering of animals. Council Members Lawrence, Galloway, Garcia, Ellis and Berry absent.

Upon questions by Council Member Quan, Mr. Marr stated that even releasing the yellow tiger into the wild had not been successful because they did not know how to hunt, raise babies or deal with local tigers; that if a tiger happened to be born in captivity out of a natural procedure it would be more humane to raise in captivity but that was the lesser of two evils, but in a puppy mill. Council Members Galloway, Holm, Garcia and Ellis absent.

Council Member Quan moved that the rules be suspended for the purpose of continuing discussion by Council relating to tigers, seconded by Council Member Edwards. All voting aye. Nays none. Council Members Galloway, Holm, Garcia and Ellis absent. MOTION 2004-0178 ADOPTED

Upon questions by Council Member Edwards, Mr. Marr stated that white tigers were purposely bred to be white; that if you naturally bred 100 tigers none would be white the percentage was so low and then when one was born he could be raised until about 2-1/2 when they would then have to leave and would die; that he had never seen a white tiger in the wild in

all his years and it was a fair statement to say if you saw a white tiger it was bred to be so. Council Members Galloway and Holm absent.

Council Member Berry encouraged Mr. Marr to visit the Houston Zoo; and upon questions, Mr. Marr stated that his primary reason for being present today was that he was opposed to any captivity of animals. Council Members Galloway and Holm absent.

Mr. James Prappas, 410 Bagby, Houston, Texas 77002 (713-515-9395) appeared and stated that he was director of animal operations at Landry's Restaurants, Inc. with 23 years in animal care, conservation and research and he was aware of Mr. Marr's work and it was significant; that Landry's was dedicated to providing the best environment for their animals and all their staff was involved in conservation efforts; that AZA recognized Landry's as a professional well run organization and knew they could give animals the best possible care and maintenance and they did participate in AZA's goals. Council Members Galloway and Holm absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Mr. James Prappas to speak, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Holm absent. MOTION 2004-0179 ADOPTED

Mr. Prappas stated that without abilities to go to countries and support them financially there would not be Bengal tigers, etc., for Mr. Marr to conduct research on to understand how to save them if not for captivity. Council Members Galloway and Holm absent.

Upon questions by Council Member Lawrence, Mr. Prappas stated that their exhibits were being designed as an attachment to the building and by AZA members; that they did not do caging it was more of an emerging and would be top notch quality. Council Member Lawrence stated that once it was designed she would like it sent to her office. Council Members Galloway and Holm absent.

Upon questions by Council Member Edwards, Mr. Prappas stated that AZA was Association for Zoos and Aquariums; that they wanted the white tigers as they were captivating and they felt it would generate excitement; that there would not be a separate fee it was added on to what the existing exhibit was; that they did allow one HISD school each day to attend free. Council Member Edwards stated that he had made a previous statement that third world countries had no interest in caring; and upon questions, Mr. Prappas stated that the only tigers existing in the U. S. would be in private breeders hands or zoos, but what he said was most endangered species exist in countries which were incapable of educating their public properly to manage their resources and so through many programs in AZA they sent people to participate in classrooms and in building schools and in getting them interested; that many in Kenya and many wildlife refugees were supported by tourism which generated here in the United States and Great Britain where the money went to help pay authorities; and Council Member Edwards stated that she did not know he was an expert on Kenya's ability to... on whether or not they wanted to educate their children but appreciated his comments Council Members Galloway, Holm, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Garcia, Mr. Prappas stated that Landry's wanted to be professional and had hired people to keep integrity in the conservation research; that they would exceed guidelines for their exhibit. Council Members Galloway, Holm, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that from a human being type point Council Member Edwards pointed out something and he traveled a lot of the world and could not generalize about all third world countries just like he could not generalize about all Americans, it was something he had to learn through his travels and shared for what it was worth as there were some old ways of thinking which they should avoid. Council Members Galloway, Holm, Sekula-Gibbs, Green and Berry



absent.

Mr. Steve Anderson, 1002 W. 16th, Houston, Texas 77008 (713-862-6688) appeared and stated that he owned a construction company which built houses and they had been in Shady Acres about six years and completed two small projects with ten houses each, but they could not understand why it took longer to get permits to build a project than it did to build it; that right now a part of their paperwork was missing and they needed to help find out who was responsible and who could solve the problem, but with these problems they were losing money and the City was losing money in taxes. Council Members Galloway, Holm, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Lawrence moved that the rules be suspended for the purpose of extending time for Mr. Steve Anderson to speak, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Holm, Alvarado, Sekula-Gibbs, Green and Berry absent. MOTION 2004-0180 ADOPTED

Mr. Anderson stated that was basically, it did not seem it should be such a problem, especially if your project was a duplicate of the previous ones. Council Members Galloway, Holm, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Lawrence thanked Mr. Anderson for coming and stated that she had been watching his houses go up and had a big concern with the permitting process as she felt they were running small builders out of the City and felt the Administration was going to address the problem. Council Members Galloway, Edwards, Holm, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia thanked Mr. Anderson for coming and stated that he heard the same from developers and it appeared they were not doing a good job of nurturing the community development process and there were other areas developers were in besides permitting where the process was like turning an elephant; and he just wanted to reiterate what Mr. Anderson and Council Member Lawrence had said. Council Members Galloway, Holm, Sekula-Gibbs, Green and Berry absent.

Council Member Goldberg stated that is a huge complaint they had through the years and no headway was being made; that he would like to speak to the Mayor about maybe outsourcing the inspectors where the revenue would pay for itself and many cities did use outsourcing. Council Members Galloway, Holm, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of continuing discussion relative to remarks of Mr. Steve Anderson, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm, Sekula-Gibbs, Green and Berry absent. MOTION 2004-0181 ADOPTED

Council Member Khan stated that it was the same problem with someone opening a business, they also went through problems with permitting and asked that someone take a look at it. Council Members Galloway, Goldberg, Holm, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that it was lack of inspectors and it seemed also a lack of internal knowledge of the code from those inspectors. Council Members Galloway, Goldberg, Holm, Sekula-Gibbs, Green and Berry absent.

Council Member Quan thanked Mr. Anderson for coming today and stated that as chairman of the Redevelopment Committee he would try and make it a priority item to look at; that the code did change, but this happened too frequently. Council Members Galloway, Goldberg, Holm, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that the situation described was unacceptable and chasing tax base out of the city was not economical; that it was partly a process problem and partly a culture problem; that someone years ago instituted a practice where if you turned down a set of plans for a good reason you had to walk to the car and open the door to the person and apologize to them for having to turn it down and it may seem like a small thing but it was a constant reminder of what people's job was, to serve; that he did know an individual did a lot of work with stakeholders named John Walsh who headed Friendswood Development Company and built Kingwood, Clear Lake and was a very thorough person, process oriented and he met with a number of stakeholder and employee groups to map out the process and there would be a all hands meeting and he would also be present when he compiled a baseline of how to get from point A to point B and he hoped to know how to streamline it by May; that they also had to work on culture issues which was treating people with dignity and respect as city employees and giving them power and positive reinforcement when they did a good job; that he did hear the frustrations and the legitimate gripe. Council Members Galloway, Goldberg, Green and Berry absent.

Council Member Edwards stated that she thought the process did need to be looked at, but there were serious allegations about inspectors not knowing the code and if that was true she would like Mr. Litke to address as she felt on the most part employees did know their jobs and did their best with what they had; and Mayor White stated that he thought that was a fair suggestion and some things were a matter of interpretation; and thanked Mr. Anderson for coming. Council Members Galloway, Goldberg, Holm, Sekula-Gibbs, Green and Berry absent.

Mr. Felipe Borrego, 713 W. 18th, Houston, Texas 77008 (713-862-6688) appeared and stated that he was present to discuss issues with HISD and Aramark; that as of December 31st he was terminated supposedly because he had too many accidents, but he knew when he was being discriminated against; that he brought to their attention issues of safety and health and did so because it pertained to the children's safety; that the director who hired him was terminated as well because he did not want to push things away and hide them; that he was asked to prepare rice at one school and when he went to get it roaches also came out with the rice. Council Members Goldberg, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Quan stated that while Council recognized his right to speak to them it was a problem between him and Aramark; and upon questions, Mr. Borrego stated that he felt that was why he was terminated; that he did speak with Quality Control and EEOC and LULAC. Council Member Quan stated that he was sympathetic, but did not know how they could assist him; and Mr. Borrego stated that he brought it to their attention because it was a public issue. Council Member Quan suggested he go the School Board as they should know; and Mr. Borrego stated that he was told he was not allowed to speak with them. Council Member Quan stated that was his right to speak with them. Council Members Goldberg, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado stated that maybe they meant he could not address those he used to work for, but he did have the right to address the Board of Trustees because they were elected and represented the taxpayer, they represented him and he needed to sign up to speak. Council Members Goldberg, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

Dr. Femi Babalola, 515 Scarlet Maple Dr., Sugarland, Texas 77479 (281-565-0051) appeared and stated that he was coordinator for the African Coalition, a community organization in Houston, unfortunately he was present to express concerns of their community; and spoke relative to the METRO officer who on February 9th stopped a citizen of the U. S. and said he could go back where he came from, but it was fortunate that it was during the day and that he called his own voice mail and recorded the event, otherwise, he may be in jail facing a trumped up charge of assaulting an officer. Council Members Goldberg, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado moved that the rules be suspended for the purpose of extending time for Dr. Femi Babalola to speak, seconded by Council Member Quan. All voting aye. Nays none. Council Members Lawrence, Goldberg, Wiseman, Garcia, Green and Berry absent. MOTION 2004-0182 ADOPTED

Dr. Babalola stated that they thought there was a need for the Council and Mayor to address the issue head-on; that one of the greatest needs of the city was to project a welcoming and friendly city and the African community was prepared to be of service and formulate that solution; that they knew the officer Doug Carr should not remain on METRO police; that they could not expect Houston to move to the next level Council was trying to take them if the fourth largest city was still recording incidents of that nature; and they hoped to get help in seeing that it not happen again and justice in the recent matter. Council Members Lawrence, Goldberg, Wiseman, Garcia, Green and Berry absent.

Council Member Galloway thanked Dr. Babalola for coming and stated that she thought METRO police was just insensitive and did not have the right training; that she had talked with the Mayor to see what they could do including maybe getting everyone under one central superior as she had heard at least eight complaints on METRO officers and if her office could assist she would be happy to. Council Members Goldberg, Wiseman, Garcia, Green and Berry absent.

Council Member Quan moved that the rules be suspended for the purpose of extending time for Council discussion, seconded by Council Member Khan. All voting aye. Nays none. Council Members Goldberg, Wiseman, Garcia, Green and Berry absent. MOTION 2004-0183 ADOPTED

Council Members continued to express their concern to Dr. Babalola; and Council Member Edwards stated that last year a cab driver put someone here for the OTC Conference out of his cab for speaking Spanish and she knew they could not control everyone, but was asking that the new appointees of METRO place this as a primary concern and asked the Mayor's Office to ask them for a report as to their training process and have it available to all Council Members. Council Members Goldberg, Wiseman, Green and Berry absent.

Mayor White stated that he appreciated Dr. Babalola for being present and his contribution to the sensitivity training was simple, in Houston if you work hard and play by the rules you are no better or worse than anyone else and some need to catch up in their attitudes. Council Members Goldberg, Wiseman, Green and Berry absent.

Mr. J. W. Masseh, P. O. Box 7427413, Houston, Texas 77274 (713-545-4777) appeared and stated that he was president of the Independent Cab Association and in reference to what Dr. Babalola said, it was METRO police but HPD generally mistreated the drivers and had a saying it was their word against theirs; that a cab driver had a stressful job also and police should appreciate their job to. Council Members Goldberg, Wiseman, Green and Berry absent.

Mayor White stated that he would like to get together with the leaders of the association and representative of the police to discuss it; and thanked Mr. Masseh for the way the drivers helped during the Super Bowl. Council Members Goldberg, Wiseman, Green and Berry absent.

Mr. Damian Ohale, 7200 Pinemont, Houston, Texas 77040 (281-701-4810) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Wiseman, Green and Berry absent.

Mr. Darryal Burns, 7910 West Road, Houston, Texas 77093 (713-694-6824) appeared, presented information and stated that he had been in Houston two years and worked for HISD, he and his wife both taught and they were starting a non project organization called Rhythm

House and he was ready to move forward and needed help; that they partnered with the Boys and Girls Club of America and they could use their busses to pickup at risk children; that it was Hip-Hop based and taught everything behind the scenes in the music business; that he had over 150 children to go with just \$50.00 in flyers; that they received help from Wal-Mart, Home Depot and the United Way, but this was a new program in other cities and it was successful and he wanted Houston on the wagon also. Mayor White, Council Members Goldberg, Wiseman and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he was familiar with Hip-Hop and appreciated him introducing the youth to it; that quite a few schools he would be using were in his district and he would like to meet with him and see if he could provide support and would like him to call his office. Mayor White, Council Members Goldberg, Wiseman and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Edwards, Mr. Burns stated that he was a 501C3 and he was working with corporations for grant money. Council Member Edwards stated that she too would like to help. Mayor White, Council Members Goldberg, Wiseman and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Galloway, Mr. Burns stated that he went out on his own and all responded well; that the principals gave him permission to go out and speak to the students; that they were invited to partner with the school but they were changing the whole format so it did not work and he wanted to do it independently. Mayor White, Council Members Goldberg, Edwards, Wiseman and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Council Member Galloway to question Mr. Darryal Burns, seconded by Council Member Khan. All voting aye. Nays none. Mayor White, Council Members Goldberg, Edwards, Wiseman and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0184 ADOPTED

Council Member Galloway stated that he should touch base with the board member for that district and see what could be worked out, because they could carry his agenda for him and there were other such programs already. Mayor White, Council Members Goldberg, Edwards, Wiseman, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Bartholomew Stephens, P. O. Box 451204, Houston, Texas 77245 (713-413-3144) appeared and stated that he worked for the city nearly 15 years and established programs in the Health Department, but he had not been promoted since 1992; that there were a lot of policy employment violations and Mr. Vara and Dr. Kendrick collaborated to illegally hire and promote employees in violation of Civil Rights Acts and city policies and procedures and they moved him from where he had experience to where he had no experience and he had to start all over. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that over the last couple of years Mr. Stephens had come to Council to address such issues and she knew the OIG had investigated; and upon questions, Mr. Stephens stated that he filed new complaints and OIG had not come up with any result. Mayor Pro Tem Alvarado stated that they would make sure someone from the Administration would look into it and see where OIG was in their investigation. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Shani LeBlanc-Davis, 3602 Banks Run Ln., Katy, Texas 77449 (973-207-0835) appeared and stated that she was present to bring two issues to Council's attention and it went back to the Super Bowl; that everyone was told to put a smile on and welcome all, but she ran

into officers who forgot that and she was assaulted by an officer over that weekend and other officers in the area would not come to her assistance when she asked them to and she also wanted to complain on the club; that there was excessive force where she was thrown against an ATM machine and drug out the door and left on her knees, she told the officer she wanted to file assault charges on him and the bouncer of the club and she was told by him that he was able to do it because he was a sergeant and he could take her information and he gave her a case number; that she felt there was a conflict of interest in that he filed the case and whenever she called she could not find out if it was an incident or assault report when she asked that it be an assault report; that she went to get an update and an investigator came out and said it was reviewed and the case was closed; that he gave her a summary of it and she said the information was incorrect and then she was told too bad, the buck stopped here; that she was also rendered poor service in the club and did not know if the officers were in there because they were hired by the club or because they were just there. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she was aware the complaint was filed and it was under investigation and Assistant Chief McClelland was present and could address some of her issues outside the official investigation. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Jean Wilkins Dember, 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared and stated that she was present representing the membership of the Houston Chapter of the National Black United Front and they had been supporting members of the Allen Parkway Village Residence Council who had been railroaded by political corruption to homelessness; that some had lost housing and their position on the Council and now Ms. Shakur had her rent refused and they were urging that the reprisals be investigated and all eviction proceedings against Ms. Shakur and the other members of the Allen Parkway Village Council cease; that housing for Ms. Pruitt and others had not been restored and urged an investigation on the part of the Mayor and council offices. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that it was disappointing she had to come back, but she was very aware of the issues and supportive; that they would try to bring resolution and also make sure the City's representatives on the Housing Authority were informed and updated; and Ms. Dember stated that they did not support Mr. Calloway being placed into it because of his past record. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mjeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-222-0949) appeared and stated that public housing residents signed a contract with the Housing Authority of the City of Houston and one thing signed off on was descent state of housing which brought about inspections and she was speaking to repair issues as that was what led to overcharges; that HUD subsidized residents and utilities according to bedroom sizes, when she lived at Allen Parkway it was in disrepair and they had to take extraordinary measures to keep themselves comfortable and taped around windows and stuffed rags into places, then after there were no longer inspections the problems grew and grew and when she could not pay them any longer she began to use the grievance process, but the grievances were collected over the years with no opportunity to resolve the problem and it was pay or get out and it was not legitimate for her to pay when she could not keep her children warm in their home; that the problems then followed to her Irvington Village Apartments. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that Council Member Quan was informed about the complaints and she would get with him, maybe it was time for a recap; and Ms. Shakur stated that she would get a notice soon and the wheels would roll over them and they would be kicked out of their house. Mayor Pro Tem Alvarado stated that it was unfortunate she was having to deal with it and Council Member Quan could review it in his committee. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Andrew Boucher, 4400 Memorial Drive #3801, Houston, Texas 77007 (713-426-1715) appeared and stated that he was present regarding towing in Houston which he felt was excessive; that he parked on the street and did not know at 11:00 p.m. it became a tow away zone and he was towed, but when he called no one had a record of it and he assumed it stolen, but he did keep checking back with the license plate number and finally said maybe they had the wrong number so he asked that they just look for a car like his with a similar plate number and sure enough there was one and he went and it was his, but then he had to pay an extra week of fees; that with the towing, extra week, ticket and tow hearing it was about \$400.00; that since he registered to speak he received calls saying he may get some back but through the City Secretary's Office. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

The City Secretary stated that someone referred him to her office she believed to file a claim for damages and that had to be in writing and filed in her office, but they made no determination on the claim as it was referred to the Claim Section of the Legal Department for their recommendation; that his claim should also be notarized and have attached any copies of information he had. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that there were a lot of complaints on how tows were being handled and he knew the frustration he must have gone through and it should be looked into. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Eddie M. Clow, 821 E. 32nd, Houston, Texas 77022 (713-869-2148) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Lenwood Johnson, homeless (713-731-0495) appeared, presented information and stated that they were coming on the same issue in 2001 and now they were still here and it was unnecessary; that the whole board needed to be fired and a board needed to be hired that would follow the law; that residents had no money for attorneys and that was why Congress created the grievance process to resolve issues between residents and management with a third party; that Ms. Shakur was about to be evicted for a bill that Council Member Quan and Council Member Robinson already paid for in 2002; and urged Council Members to call the Housing Authority and ask that they hold up until it could be resolved, until the state and local law could be upheld. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she agreed and as they worked with the new Administration and as new members were replaced or appointed he could rest assured Council Members would ask them to be engaged in complaints brought by residents and her office

would make a phone call to Mr. Etuk. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Nick Patel, 3120 South Terminal E Space 22, Houston, Texas 77032 (713-515-3322) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Ki Park, 3950 S. Terminal Rd., Houston, Texas 77032 (281-233-9907) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill, Houston, Texas 77088 (281-445-0682) appeared and stated that she was again present asking that the overlay of streets in her area be stopped and removed. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that Mr. Fiederlein was present representing the Public Works Department and could address the issue with her. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

Ms. Birdie Gails, 6729 Larkstone, Houston, Texas 77028 (713-633-8964) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was the only official U. S. President for this election and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Minister Joe Angel Lopez, 2000 Carlton Parc #7, Houston, Texas 77063 (281-435-0779) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:26 p.m. City Council recessed until 9:00 a.m., Wednesday, February 18, 2004. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, February 18, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, 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, Ms. Sara Culbreth, Deputy Chief Administrative Officer, Mayor's Office; Ms. Susan Taylor, Acting City Attorney and Ms. Marty Stein, Agenda Director, present. Council Member Addie Wiseman absent due to being ill.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:11 Mayor White reconvened the meeting of the City Council and stated that the first order of business was a public hearing, and the first person on the hearing was Ms. Kathryn Farley. Council Members Goldberg, Khan, Garcia and Green absent.

## **HEARINGS**

1. **PUBLIC HEARING** regarding the proposed permanent use of approximately 100 acres of land out of Keith-Wiess Park by Harris County Flood Control District for Flood Control and Mitigation Purposes - **9:00 A.M.** - **DISTRICT B – GALLOWAY** – was called.

Ms. Kathryn Farley, Senior Assistant City Attorney, Legal Department, Real Estate Division, stated that the hearing involved a request from the Harris County Flood Control Department to use approximately 111 acres out of Keith-Wiess Park for detention basins in connection with the Halls Bayou Flood Mitigation Project that the Flood Control District was working on, that it was about a 500 acre park which was donated to the City by James and Margaret Elkins, Jr., that part of the donation deed the Elkins family requested that the City cooperate with various other governmental entities for several purposes and one of those was for drainage and flood control purposes, that they still had to have the hearing under Chapter 26 of the Texas Parks and Wildlife Code to determine whether the property could in fact be used for those purposes, that Chapter 26 required that after the presentation of evidence that the City Council make a determination that there was no feasible and prudent alternative to the use of Keith-Wiess Park for the project and that the project had taken all reasonable plans to minimize harm to the park, that on behalf of the Harris County Flood Control District they had Mr. Michael Talbott presenting evidence, followed by Ms. Roksan Okan-Vick, Director, Houston Parks Department. Council Members Goldberg, Khan, Garcia and Alvarado absent.

Mr. Michael D. Talbott, P. E., Director, Harris County Flood Control District stated that they were present to talk about an exciting project on Halls Bayou, one element of which was the proposed Keith-Weiss Park improvements, that it was one of many projects that the Flood Control District had going on within the City of Houston, projects in Houston for Houstonians, that he had been invited to speak at the Drainage Committee on March 1, 2004, and they could also find out more about the district that their new website, HCFCD.ORG, there was a lot of good information there, that the text in the presentation information brochures talked about why the district existed and he would summarize it by saying they were a special purpose district created by the State Legislature in 1927 at the joint request of the City of Houston, the Port Authority and Harris County, that the district's mission statement was that they strive to provide flood damage reduction projects that worked with appropriate regard for community and natural values. Mr. Talbott read from his presentation which stated that Halls Bayou was a tributary of Greens Bayou and drained north central Harris County, much of which was also within the City of Houston, that it drained about 42 square miles and was about 20 miles in length, that it headquartered near the Sam Houston Tollway and Veterans Memorial Drive, where it flowed to the southeast across Interstate Highway 45, the Hardy Tollroad and Keith-Wiess Park, US Highway 59, through Homestead and Tidwell roads, to its confluence with Greens Bayou in Brock Park, that there were about 8, 000 structures in the 1% (or 100 year) flood plain, many of which flooded during Tropical Storm Allison, that much of Keith-Wiess Park was also within the



designated flood plan, that a vicinity map for Keith-Wiess Park was shown on Exhibit B; that Exhibit C showed a schematic of the current Halls Bayou conceptual plan, the exhibit showed red circles representing areas for regional detention basins, the blue portion of the channel represented channel enlargement, but with a meandering cross section, with varying side slopes, flood benches and tree plantings to simulate a more natural stream, that there were also a number of bridges that would need to be modified or replaced to accommodate the larger channel, that flood reduction benefits of the project were up to four feet downstream of US Highway 59, four to six feet from US 59 through Keith-Wiess Park and two to four feet upstream to Veterans Memorial Drive, that the project was estimated to cost \$130 million and they were pursuing the Project's designation as a federal project, that the project element within the park was a regional storm water detention area that was just over 111 acres with the 500 acre park, which provided about 1,100 acre-feet of storm water storage, a detailed layout of the area was shown on Exhibits E and F, that some of the benefits to the park were directly related to the District's construction activities, while some additional benefits would come from a Texas Parks and Wildlife Grant for the Halls Bayou Greenway that was a collaborate effort between Harris County, the City of Houston, the District, the Aldine Community Improvement District and the Aldine Independent School District, that assuming a favorable finding from the public hearing process, the partnership would be formalized through an Interlocal agreement, the construction process, letting for bids, was scheduled for the end of 2004, with actual construction starting in early 2005, pending permit approvals, the construction cost was estimated at \$14 million and the construction duration was estimated at three years, that within the District's \$14 million were in-kind features of about \$2.2 million that were used to leverage about \$750,000 in Texas Parks and Wildlife grant funds in Keith-Wiess Park (Halls Bayou Greenway Grant), that the proposal to jointly develop damage reduction features in conjunction with a master plan for the park presented a unique opportunity to show how creativity and cooperation were working to improve Houston and Harris County. Council Members Ellis and Alvarado absent.

Ms. Okan-Vick stated that the partnership between Harris County Flood Control District and the City of Houston Parks and Recreation Department was a particularly significant one, that the Flood Control District could buy lots of land mostly in the flood plain, usually along waterways, not appropriate for building construction necessarily but very appropriate for park use, natural environments, ball fields and active recreation as well, that so far the thankfully expanding partnerships had been in the form of Interlocal agreements to use flood control land for open green space and park space, that it was a very efficient joint use of land particularly in the inner City where park space and access to waterways was becoming more and more limited, that the project enhanced the park and enhanced it connectivity and advances the sensitive development of a large part of the park as a passive natural area and balanced the active recreation components that they already had in the southwest quadrant of the park, that the Parks Department fully supported the proposed use of 111 acres of land for construction of a joint-use recreational amenity and storm water detention basin in Keith-Wiess Park. Council Members Alvarado and Green absent.

Mr. Scott Bean, 2500 Tanglewilde, Suite 260, Houston, Texas 77063 (713-541-0447) had reserved time to speak, but was not present when his name was called. Council Members Alvarado and Green absent.

Mr. Steve Pittman, 2500 Tanglewilde, Suite 260, Houston, Texas 77063 (713-541-0447) appeared and stated that he was present on behalf of the Aldine Improvement District, that they were a none profit governmental entity created by the Texas Legislature in 2001, that Keith-Wiess Park laid entirely within the bounds of their district and their Board of Directors supported the plan for the park as presented by the Harris County Flood Control District and believed the project would provide for flood mitigation, increased recreational opportunities and increased mobility through connectivity of trails and parks in the area, that he had a letter from their Board of Directors to that affect and wanted to submit it for the record. Council Members Alvarado and Green absent.

Council Member Holm stated that at the Quality of Life Committee they had the presentation before them last week and whole heartedly endorsed and supported it as it moved forward to the City Council, that it was just one of those absolutely incredible opportunities for partnership and thought it was a great opportunity for the City. Council Member Green absent.

Mayor White stated that he agreed whole heartedly in both the spirit of cooperation with other governmental entities exhibited by the Parks Department through the leadership of its Director and all the things that Harris County Flood Control District had been doing to recognize the multiple uses of the land, he thought, were really great examples of public service. Council Members Sekula-Gibbs and Green absent.

Council Member Galloway stated that since it was in her district she whole heartedly supported the effort as well, that she had been talking to the Parks Director and they had been working on it for a little while and was glad that they were finally getting to the last stage, that as they knew her area did flood quite a bit and anything to help eliminate flooding in the district as well as having a nice beautiful area with green space and benches, that she was very excited about the project and hoped all her colleagues supported it. Council Members Sekula-Gibbs and Green absent.

Council Member Ellis moved that they close the public hearing, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Goldberg, Garcia and Sekula-Gibbs. MOTION 2004-0185 ADOPTED.

## MAYOR'S REPORT

### CONSENT AGENDA NUMBERS 2 through 18

#### ACCEPT WORK - NUMBERS 4 through 7

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,325,543.59 and acceptance of work on contract with **LONE STAR ROAD CONSTRUCTION, INC** for Construction of Bingle Road Bridge over Cole Creek, GFS N-0445N-21-3 (N-0445N-21) - 07.74% over the original contract amount - **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Galloway, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Goldberg, Garcia and Sekula-Gibbs absent. MOTION 2004-0186 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,327,933.36 and acceptance of work on contract with **ALSAY, INC** for Rehabilitation of Existing Water Wells, GFS S-0200-12-3 (10562-2) - 01.79% over the original contract amount – was presented, moved by Galloway, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Goldberg, Garcia and Sekula-Gibbs absent. MOTION 2004-0187 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,518,886.59 and acceptance of work of the Surety, **CAPITAL INDEMNITY CORPORATION** on contract with **MEB ENGINEERING, INC** for Construction of Water Line Replacement in Marion Addition Subdivision, GFS S-0476-01-3 (10479) - 04.64% under the original contract amount **DISTRICT C - GOLDBERG** – was presented, moved by Galloway, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Goldberg, Garcia and Sekula-Gibbs absent. MOTION 2004-0188 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 12 and

13 out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Goldberg, Garcia and Sekula-Gibbs absent. MOTION 2004-0189 ADOPTED.

12. ORDINANCE issuing permit to **TEXAS SOUTHERN UNIVERSITY**, a Public Institution of Higher Education, for building, constructing, maintaining, using, operating and repairing a six inch waterline encased in an eight inch steel pipe and four inch waterline encased in a six inch steel pipe for water and fire line purposes abutting Lot 12, Block 2, Tierwester Oaks across and under Canfield Street, within and being a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D – EDWARDS** – was presented. Council Members Galloway, Goldberg and Garcia absent.

Council Member Edwards stated that she was going to tag the item, that they had some civic clubs come to them in that area that were very concerned about the construction and they had tried to work with TSU to get some lines of communication open, some dialog open, and they had not been successful in doing that. Council Members Galloway, Goldberg and Garcia absent.

Mayor White stated that Council Member Edwards particular concern had been brought to his attention on both sides and believed that they were having a meeting with TSU and would defer to Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office, who was handling the meeting, about the participation of Council Member Edwards, that she had a good sense of what was going on in her district and Mr. Hall who was arranging that meeting, would take that into account. Council Members Galloway and Garcia absent.

Council Member Edwards stated that she understood there was a revised Master Plan and they did not have a copy of the original Master Plan and they would like to be partners in it because the civic clubs were very concerned about what was going on and were not very happy. Council Members Galloway and Garcia absent.

13. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty – was presented, and tagged by Council Member Edwards. Council Members Galloway and Garcia absent.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 and 8a

8. ORDINANCE appropriating \$97,020.00 out of C & E Construction Fund for Renovation of the Industrial Hygiene Ventilation System at the Wortham Center for the Convention & Entertainment Facilities Department – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Galloway and Garcia absent. ORDINANCE 2004-0119 ADOPTED.
- 8a. **HUNTER ALLIED OF TEXAS, INC** for Renovation of the Industrial Hygiene Ventilation System at the Wortham Theater Center for the Convention & Entertainment Facilities Department \$92,400.00 and contingencies for a total amount not to exceed \$97,020.00 – was presented, moved by Council Member Ellis, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Galloway and Garcia absent. MOTION 2004-0190 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 15

15. ORDINANCE appropriating \$3,182,588.98 out of Series E Commercial Paper Metro Project Fund to reimburse **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the City's participation in the Reconstruction of Market Street from McCarty to IH 610

under an Urban Street Program Agreement with TxDOT; approved by Ordinance No. 99-397, CIP N-1306-01-3 (SB9099) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Galloway and Garcia absent. ORDINANCE 2004-0120 ADOPTED.

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

**MISCELLANEOUS**

2. RECOMMENDATION from Director Planning & Development Department to accept the January 2004 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2004-0191 ADOPTED.

Council Member Quan stated that the item was just transferring the impact fees to a different account, but would hope they could review how they assessed impact fees, he thought there was potential for some additional income to the City in an equitable manner, and Mayor White stated that he would agree and was one of the issues that he and Council Member Edwards had discussed.

- 2a. RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenue and interest generated by the Water and Wastewater Impact Fees in the amount of \$7,483,485.21 to Revenue Bond Debt Service as recommended in the January 2004 Semiannual Report of the Capital Improvements Advisory Committee (CIAC) – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2004-0192 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$55,420.32 to Lone Star Groundwater Conservation District for water user fee for 2004 - Enterprise Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2004-0193 ADOPTED.

**ACCEPT WORK**

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$202,890.91 and acceptance of work of the Surety, **WESTERN SURETY COMPANY** on contract awarded to **PRIME GENERAL CONTRACTORS, INC** for Construction of Safe Sidewalk Program at Various Locations, Package No. 2, GFS N-0610A-95-3 (SB9064-1) 67.06% under the original contract amount – was presented, and tagged by Council Member Garcia.

**PURCHASING AND TABULATION OF BIDS**

9. **AMEND MOTION #03-135, 2/12/03 and #98-2034, 12/16/98, TO EXTEND** expiration date from February 26, 2004 to February 25, 2005, and **TO INCREASE** spending authority from \$1,699,012.30 to \$2,123,765.30, for Equipment, Road Machinery, Gradall Replacement Parts for Various Departments, awarded to **HI-WAY EQUIPMENT COMPANY, INC** – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2004-0194 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

10. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Single Family Mortgage Revenue Refunding Bonds, Series 2004A and Single Family Mortgage Revenue Refunding Bonds (GNMA and Fannie Mae Mortgage-Backed Securities Program) Series 2004B and approving the disclosure documents with respect to such bonds – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. RESOLUTION 2004-0004 ADOPTED.
11. ORDINANCE approving and authorizing execution of first amendment to interlocal agreement between the City of Houston and the **CITY OF BAYTOWN** for the Harris County Organized Crime and Narcotics Task Force/10 – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0121 ADOPTED.
14. ORDINANCE awarding contract to **DIAMOND CARWASH SALES & SERVICE** for Vehicle Car Wash Services for the Houston Police Department; providing a maximum contract amount 3 years with two one-year options - \$584,923.00 - General Fund – was presented, and tagged by Council Member Garcia.
16. ORDINANCE appropriating \$279,232.24 out of Street & Bridge Consolidated Construction Fund, \$1,400,000.00 out of Series E Commercial Paper Metro Project Fund and \$894,082.46 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an Advanced Funding Agreement between the City and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Reconstruction of Studewood Street from White Oak Drive to North Main Street, CIP N-1301-01-3 (SB9031-01) - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0122 ADOPTED.
17. ORDINANCE appropriating \$3,000,000.00 out of Series E Commercial Paper Metro Projects Fund and \$1,033,547.22 out of Street & Bridge Consolidated Construction Fund and \$191,339.59 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **SOUTH COAST CONSTRUCTION, INC** for Old Westheimer Reconstruction from Brays Bayou to Westheimer, GFS N-0749-01-3 (SB9075); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund and the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented, and was tagged by Council Member Holm.

Council Member Holm stated that on the item it was her understanding that the City was going to pay the design fees and then the County and Metro were going to pay the construction fees and needed to know and have some questions answered as she went into meetings with homeowners associations how it was going to impact the CIP for District G in future projects for her district, that she believed what was being asked was that the City contribute an extra \$1.2 million to the construction project, the initial contract was that the City pay for design fees, which they did, it then came in over bid, she assumed, and so now Metro and the toll road were looking to the City for the overpricing of the construction, if that was going to have an impact in any way on current CIP programs in District G then she was concerned because last night she was with a homeowners association telling them that they were in the mist of a project, two phases would be complete, but right now the third would not be, which meant that it was still going to have dramatic impacts on them and they were not going to get their desired results, so she just had to have justification that when they added and took on new projects that her district was not going to be severely impacted by that, and Mayor White stated that he would ask the representative from Public Works, that he was familiar with the various balances account between the City and Metro and the need for, that it was in the City's interests to draw down

those amounts that were obligated to them by Metro as quickly as possible all the way up to the contractual cap and that maybe something that the Public Works Department could enlighten them up on, what their policy was concerning that.

Council Member Garcia stated that he just wanted to reiterate Council Member Holm's comments, that there seemed to be a very real concern about the disconnect between design and the actual project and how it ended either delaying or extending the project but the bottom line was that ended costing the City more to do the projects, so her concerns were well based.

Mayor White stated that he agreed with their concern, that they did have some authority to allow them to collapse some of the design, engineering and construction but unless they had the ability to specify or RFP something with enough particularity or specificity then there was a design feature that must be built in so they could make sure they were getting a competitive process, that if they had the in house capability of being able to scope it out, to put it up for a turnkey, then it could work, but if they outsourced all of that capability then they were not in the position to manage it as well, that some people thought that outsourcing was the key to all efficiencies, but there were some pretty efficient oil companies in Houston and there were a lot of things they would never consider outsourcing because they would wind up being charged a lot more, so one of the things they were working with the Department of Public Works was what were the types of things to move to more efficient contracting and lower costs, that they could do some of the things in house and in that connection there was somebody, and he had not mentioned it to anybody publicly, but probably the best contracting lawyer in the field, largely in the private sector of large scale contracting, Mr. Bill Coats, had agreed to donate to the City substantial amounts of his time, which would be hundreds of thousands if they paid for it, to assist the Department of Public Works in some performance based contracting reforms and he wanted to note that to Council Members, many of whom were familiar with Mr. Coats activities in other fields.

18. ORDINANCE appropriating \$1,357,521.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **ALLCO, INC** for Wastewater Collection System Rehabilitation and Renewal, GFS R-0266-T1-3 (WW4235-18); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Ellis.

#### **NON CONSENT AGENDA** - NUMBER 19

#### **MISCELLANEOUS**

19. MOTION to set a date not less than seven (7) days from February 18, 2004, to receive nominations for Positions One and Two, and Alternate Positions One and Two of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, the one-year terms to expire December 31, 2004 – was presented.

Council Member Ellis moved to amend Item No. 20 to set a date for fourteen days from February 18, 2004 (March 3, 2004) to receive nominations for Positions One and Two, and Alternate Positions One and Two of the Houston-Galveston Area Council Board of Directors, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2004-0195 ADOPTED.

#### **MATTERS HELD** - NUMBERS 20 and 21

20. MOTION by Council Member Alvarado/Seconded by Council Member Quan to adopt recommendation from Finance & Administration Department to award to **XL PARTS, LLC (Bid Nos. 3 and 2)** for Automotive Bearings and Power Transmission Components for Various Departments - \$105,045.00, minus a commission fee (3% for Internet-based

reverse auction services) in the amount of \$3,151.35 for a net award amount not to exceed \$101,893.65 General, Enterprise and Fleet Management Funds – (**This was Item 10 on Agenda of February 11, 2003, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented.

Council Member Ellis moved to postpone Item No. 21 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Edwards absent. MOTION 2004-0196 ADOPTED.

21. ORDINANCE amending Ordinance Number 99-223 to further increase the maximum contract amount to contract between the City and **WACKENHUT CORPORATION** for Security Guard Services for the Convention and Entertainment Facilities Department - \$350,000.00 - Enterprise Fund – (**This was Item 20 on Agenda of February 11, 2004, TAGGED BY COUNCIL MEMBER EDWARDS**) – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Edwards absent. ORDINANCE 2004-0123 ADOPTED.

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

Council Member Edwards stated that she needed some clarification, that she was advised by a contractor that he was not to talk with her per the Mayor's office direction, that she needed to have the Mayor explain to her if that was in fact true.

Mayor White stated that in a particular Council meeting early on he made a comment which was somewhat widely reported to the effect that if there were particular problems with contractors he would encourage Council Members to deal with Mr. Michael Moore or other members of his staff so that they could pursue those issues with those contractors, directly and through the relative department, as a more or less standard operating procedure or one way to make sure that if there was a concern with a contractor, they were aware of it in contractor selection and given the nature of the Charter that those concerns were dealt with most effectively and that people were not asked the same question by eight or nine Council offices, but there was no desire to preclude Council Members from making appropriate inquiries of contractors, for example if there was some project or problem with completion of a project that was important to the district, the Mayor and Public Works should look into it and it would be an effective way to deal with a contractor if they were not performing per the contract, so that was the intention but there was no desire to sort of muzzle Council Members or preclude people from responding to any inquiry from individual Council Members and no directive went out along those lines, that he would ask the Public Works Department if it was conveyed that there was some kind of ban on communication with Council Members, that was not the intent, that his intention was to communicate to his colleagues on Council that in order to make those communications most effective and to try to get the results if there were particular concerns he wanted to be of service to Members of Council in using the powers vested and try to have something centralized so people were not met with multiple inquiries.

Council Member Edwards stated that as to Ryan Middle School, she would like to thank Dr. Kay Stripling, Dr. Linda Whitely, Dr. Tyler, Principal of Ryan Middle School and the PTO President, R. Howard and 150 or so Ryan parents and children who were present at the meeting last night that it was very contentious at time and very long, that it was 3 hours in length, but at the end it was very productive, they had come out of it with a group that was going to continue the dialogs regarding the issues at Ryan, that also Council Members Alvarado and Berry's office staff was present, that she knew there were a lot of problems at Ryan but the thing that was victorious about last night was that there was a made up mind to do something about it, to solve the problem and not just whine about the problem, that they were going to continue to work together, the offices and HISD and thought it could be a very good partnership, that they were going to have a subsequent meeting on Saturday, March 13, 2004, hopefully at the Third Ward Multi Service Center from 10:00 a.m. to 2:00 p.m., a group that had been formed out of it,

including Rayan leadership, administration, parents and HISD as to how they could move it forward with the historic institution in their community.

Council Member Edwards stated that they had another contractor that had bellied up during a job so they had a sidewalk situation where it was now left in limbo and they had senior citizens and disabled senior citizens and they were basically hostages in their house because they could not get out because of the sidewalk, that Public Works had made every effort to get it fixed and taken care of because of the elders and disabled and once again they had the issue of the surety situation, that she wanted to thank Public Works and Robert and that whole effort, and asked if there was any way that they could look at that process because it was kind of frustrating as a District Council Member when a contractor goes bankrupt and then the surety company, through whatever process, had to decide when they were going to get another contractor and how fast it was going to be taken care and in the meantime the City was dealing with a lot of confusion and chaos with the community, that she did not know if the process could be amended to defined or if that was just what they had to live with.

Mayor White asked Council Member Edwards to yield and stated that he wanted to recognize a group of outstanding citizens that the Southwest Chambers of Commerce had sent to observe, that they were selected for their leadership and wanted on behalf of all his colleagues to thank them for joining them at the Council meeting.

Mayor White stated that the specific topic and other involving tightening the City's rights and requirements, Mr. Coats, who he referred to and was volunteering his time, wanted to put in some of the protectors that they would see in private sector contracts, that he would note for the Department of Public Works and Ms. Taylor, that Mr. Coats had the forms drawn and everything, that it was a very good issue and of course whenever they were looking at some of the requirements on the effect on some of the early stage or historically disadvantaged contractors, but he would say that nobody did a worse service or undercut those who were such champions of diverse contracting than people who went belly up, those people were the enemies of diversity despite their particular background, and Council Member Edwards stated that the Legal Department and Public Works had worked like champions on the issue, it was not their fault, it was just problematic and anything they could do she would be very grateful and work in however they could. Council Member Goldberg absent.

Council Member Lawrence stated that for quite a while she had a very large interest in children and when the light turns red they seemed to run out and solicit, they had a number of injuries and she looked forward to working with Council Member Alvarado and looking at age and supervision and should they be out there every day of the week, in certain streets every day they were running out in the middle of the street with their buckets and thought they needed to look at it, supervision especially. Council Member Goldberg absent.

Mayor White stated that Council Member Alvarado was aware of the request and thought was probably going to follow through with it in the appropriate committee. Council Member Goldberg absent.

Council Member Garcia stated that he wanted to remind everybody that the Conoco Phillips 10K and 5K Fun Run would be held February 28, 2004 and the 10K part of it would go through District H and with it he wanted to send his appreciation to BARC, the animal control division of the City, he called on them because he was concerned about the safety of some of the runners going through the neighborhoods and having some lose dogs maybe taking a bite out of one of the runners and they had done a tremendous job, that it was his understanding that they had rounded up quite a few strays and issued several citations and they had just been making themselves very available, so he just wanted to send his appreciation for a job well done. Council Member Goldberg absent.

Council Member Garcia stated that regarding his comments last Wednesday when it was



raining, he made the comment that maybe it was days like those that some of the work crews could survey the community to see where there were some simple stoppages in the drainage and ditches and things of that nature, that he had gotten word back that on such rain days that was exactly what Public Works did so he requested work orders for that day as well as for Friday, he understood they had rain on Friday as well, just to kind of see what kind of work was being done on such days of that nature. Council Member Goldberg absent.

Council Member Holm stated that she appreciated Council Member Edwards efforts to tighten the rights and procedures of the requirements and also encourage them to all work together in order to facilitate and coordinate and let the district offices help communicate, that in her district Fire Station No. 83 was under construction and it was her understanding that it was supposed to be finished in May 2004 and because of some contractual issues and as well as, she thought, some political posturing in the fall campaign it had been really held up, she understood there was staffing and equipment available and what they were trying to do at this point was to see how they could facilitate that, get it back on track, and get it open to serve the community.

Mayor White stated that Council Members had been excellent in trying to bring attention to some problems with capital improvements in their districts and thought that a good way to bring those issues to the attention of the administration was in meetings such as these and that was what he was trying to communicate as opposed to one on one with contractors, that he had just gotten a memo on it and they would follow up.

Mayor White stated that the work schedule for the Smith Street reconstruction was submitted to him and they had reviewed it in some great detail with a number of people and that work was going to commence, that he had asked the Department of Public Works to put on the City website what the detailed construction schedule was and if the schedule was from time to time amended to post those amendments, that those were Metro managed projects but they had been involved, that was so they would not face some of the problems they faced in the past on the downtown street construction projects and for some of their higher visibility construction projects that might be a good model that they start to follow. Council Member Galloway absent.

Council Member Alvarado stated that following up on what Council Member Lawrence had discussed, she was very much in support of trying to bring in some regulations as it related to people, mostly kids, who were soliciting funds in high traffic intersections, they were literally running through the cars which was a public safety issue, that Council Member Garcia had agreed that it would be most appropriate in his committee, that it was also an enforcement issue, they had kids out there soliciting funds for charities that they were not sure what the charity was and there had been reports by some of the civic associations that there were adults who had some type of operation going, it had not been traced to the source yet, but kids were saying that they had some type of supervisor, that she hoped that through the Public Safety Committee they could resolve those two issues. Council Member Galloway absent.

Council Member Alvarado stated that they had a house which was scheduled to be demolished back in early December and they were told it was going to be delayed again, that it had been going on for over a year and hoped that Neighborhoods Protection could not only deal with that issue but the backlog of abandoned and burned houses they had because it was definitely a public safety issue in their neighborhoods. Council Member Galloway absent.

Council Member Alvarado stated that everyone around the table knew Mr. Johnny Mata and asked that they keep him in their prayers, that he had recently been diagnosed with cancer and was under going treatment. Council Member Galloway absent.

Council Member Sekula-Gibbs stated that several months ago they issued a contract to repair the Riverside Clinic roof and that was to be followed by a larger contract for renovation of the clinic, unfortunately the roofing company, Jackson Construction, was in default and they had

not completed their job, that had caused significant problems in the timeline, that the City had contacted the surety company regarding their bond and they had some period of time to respond, that the surety company could find another roofer or allow the City to find another roofing company to finish the job, that it was her hope that the administration could put whatever pressure was necessary to the situation so they could now fold the roofing piece into the renovation piece, that they had an agenda item coming to Council next week that would offer the contract for the renovation of around \$2 million to Times Construction, that she would like to ask that they engage in an emergency purchase order to be added to the Times Construction contract to allow them to give the City an idea of what it would cost for the roofing to be added, that way they would not fall off of their deadline, they had indicated that they were prepared to do that, that it was very critical for the City to be able to work with whoever the tenant was, if they chose South Central Community Health Center to occupy that clinic, if that was the wish of the Mayor, and if they went forward on it, they had to be able to submit their application for federal funding in April and if they got the federal funding they had to be in the building in 90 days otherwise they had to send the federal money back, so if they missed the April deadline they could not apply again until November. Council Members Lawrence, Galloway and Green absent.

Council Member Edwards asked if the South Central Community Health Center had been selected as the winner and Council Member Sekula-Gibbs stated that they were the only group that had submitted a proposal, but she had not heard that they had been selected, that was why she said if the administration should go forward with it, and Mayor White stated that they wanted to go in the direction of using cost effective non profits to staff those facilities, it was just where would they get the money, what would they discontinue within that department to the extent that they needed to make a local match in order to be able to do that. Council Members Galloway and Green absent.

Council Member Sekula-Gibbs stated that as to the presentation at the Neighborhood and Redevelopment Meeting, Mr. Buchanan, Director, Solid Waste Department, gave them a presentation on "U Call, We Haul", and she applauded the City's effort to save money on the heavy trash pickup program that was going to be piloted in the Third Ward, that she knew the program was being designed to help prevent people from putting their heavy trash out on the wrong days causing an unsightly mess, and wanted to keep track on whether it was really going to reduce the number of habitual violators in the neighborhoods, that she had been contacted by some civic club leaders who were concerned that it would not stop the repeat offenders and knew it was very difficult with their financial constraints to survey, track and ticket the violators, that she heard that Mayor White was considering using retired officers to go after the violators and one of the civic club presidents suggested that they should partner with the Constables office, that it seemed like an opportunity to share some of the workload on something that definitely would benefit all of the neighborhoods. Council Members Lawrence and Galloway absent.

Council Member Sekula-Gibbs stated that it was Rodeo time again, that it would start on February 28, 2004 with a parade downtown, that it would run from March 2, 2004 through March 21, 2004. Council Member Galloway absent.

Council Member Khan stated that he wanted to share with them a situation in his district and how a citizen not only identified the problem but also helped solve the problem, that a lady in their district went to visit a video store on Fondren and the store had crosswords puzzles and things of that nature on their windows which led her to believe it was a family establishment and she went in there with her two young sons and found out that it was an adult video store, that it made her very mad that her kids were exposed to things they should not have been, that she talked to the store owner and did not get any response so she called the Council district office and they contacted the City Attorney and the store was not really violating any laws, but then they talked to the store management and challenged their civic responsibilities and he was glad to report that not only did the management understand the problem and were concerned about

exposing young children and took the crossword puzzles and all those things out and put a large sign out saying it was an adult establishment. Council Members Galloway and Alvarado absent.

Council Member Quan stated that he too was concerned about the story of the young boy who was hit by the eighteen wheeler but thought they had a bigger problem of just soliciting by people in the streets in general, he was checking with the City Attorney's office, there was ban of actual solicitation in roadways and would hope as Council Member Garcia looked at that issue that he would look beyond just the children but also those adults who were blocking the roadways and making it difficult, that he was sympathetic to their issues, but by the same token they would hope they would conduct it in a safe manner. Council Members Galloway and Alvarado absent.

Council Member Quan stated that it had been mentioned about abandoned houses and at their next meeting of Neighborhood Housing and Redevelopment Committee they would have a report from the Planning Department on their efforts on abandoned houses, that they had advised him that they would hoped to be caught up in a very short period of time, so he hoped they could report good progress on that. Council Members Galloway and Alvarado absent.

Council Member Quan stated that he wanted to commend Mayor White for asking about going out and viewing different locations under construction, he thought it was very impressive that Mayor White was there at 7:00 a.m. when Spur 527 went down and showed the citizens he was with them to see what could be done to improve those conditions and thought that was a good example for all the Council Members. Council Members Galloway and Alvarado absent.

Mayor White stated that Chief Breshears, the senior representative from Public Works, Metro and TXDOT were also there and they made decisions on where the signage should go and with the advise of Mr. Saperstien, something that they had considered on coning those lines, that Council Member Berry was up in a helicopter at that time and sent him a memo that very promptly where they followed up some of his suggestions which also highlighted the bottleneck that they were having, not so much on the main exit but on Highway 59 as people were deciding which way to go, that he drove South 610 and surveyed the situation on Highway 288 and was fogged in from departing by helicopter from Hobby, although he would go up on Friday to take a look, that it was a success for the City of Houston being able to have traffic avoid those neighborhoods to the extent that it had when they had such a major construction project. Council Member Galloway absent.

Council Member Berry stated that on Monday morning the dispatcher radioed up to watch from above because they were going to be moving a tree limb and made the comment that the Mayor had made the decision to get it out of the road, that not just the public but the HPD officers who were in the helicopter all turned to each other and were very impressed that the Mayor was on scene and thought it sent a pretty strong statement. Council Member Galloway absent.

Council Member Berry stated that part of the reason the media was saying it was not as bad as they had expected, at least these last couple of days, was because HPD really stepped in and for not being the group that planned it but just purely responded they did a incredible job. Council Member Galloway absent.

Council Member Berry stated they had their first TIA Meeting on Monday afternoon and one of the things that came out of that was the water meter reading and thought that Public Works was swiftly going to provide for them standardized procedures for dispute resolutions so if someone had a dispute of their bill they were going to have a standardized procedure that they could tell them. Council Members Galloway and Green absent.

Council Member Berry stated that he wanted to welcome the new Deputy Director of

Public Works, Mr. Hugo Malanga, that he was excited about Mayor White bringing him on and was excited about the creation of a Traffic Division and thought it was giving it the priority it needed. Council Members Galloway and Green absent.

Council Member Berry stated that with regard to the website, the things that were on there that the people could use, out of their office they referred people to it and it helped out a lot and hoped that would be a hallmark of Mayor White's administration that anything they were doing, in the spirit of transparency, appeared on the website. Council Members Galloway and Green absent.

Council Member Berry stated that Mr. Carl Davis in his office was coordinating an Airport tour that was not just for the TIA Committee but for every City Council Member so they would be hearing from him. Council Member Galloway absent.

Council Member Berry stated that as to the individuals who stepped into the traffic, whether they were soliciting funds for a notable charity or not, what was important was that it was dangerous to those people and dangerous to the people who weaved around them and as important was that it was a traffic delay. Council Member Galloway absent.

Council Member Berry stated that as to Council Member Edwards issue, he was going to address it with the Mayor's office but was glad that he said it publicly, that he thought some people did misconstrue the Mayor's comments when he was basically trying to say that he was there to assist the Council Members in dealing with the problems rather than being the gatekeeper for those issues. Council Member Galloway absent.

Mayor White stated that he personally would not give a contractor direction just based on his management experience, he would go through the person to whom that contractor reports, the project manager, and as elected officials he thought they needed to be thinking about those things because the clearer the lines of communication and authority were in any organization the more efficient the organization would function. Council Member Galloway absent.

Council Member Ellis stated that just to follow up on what Council Members Berry and Edwards had stated, he had some individual representatives of companies and so forth come to him and say not to let their name get out but they had individuals within the bureaucracy telling them not to go talk to Council Members about certain things that might be occurring, that it was a different scenario that what the Mayor had just addressed, that he agreed with what the Mayor had just said and wanted to state up front that he believed that the White administration had been inclusive and had included the Council Members but if for some reason that message was trickling down through the individuals who were operating the administration then they had an issue because he thought if they stayed open and inclusive they had fewer problems than if they started to hide secrets and so forth and he would hope that the Mayor would give directions to everyone underneath him that they wanted to be open minded and wanted to include the Council Members in the decision making process. Council Member Galloway absent.

Council Member Ellis stated that they would be sending a letter to all the Council Members requesting some input on how they would operate the budget workshops, for those who were new it would be a learning experience and be something that he would encourage every new Council Member to come to just from the standpoint that they would learn about the finances and the budgeting process, that it was necessary as they moved forward with the budget, that they were requesting some new ideas of how to approach it and then he would run those ideas past the F&A Director and would try to come up with a process that they could all live with. Council Member Galloway absent.

There being no further business before Council, the City Council adjourned at 10:36 a.m. upon MOTION by Council Member Green, seconded by Council Member Alvarado. Council Members Galloway absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary