

City Council Chamber, City Hall, Tuesday, May 25, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 25, 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; Ms. Deborah McAbee, Division Chief, Land Use Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Mr. Anthony Hall, Chief Administrative Officer, Mayors Office; Ms. Marty Stein, Agenda Director present.

At 1:58 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Alvarado. Council Member Alvarado stated that her first presentation was to Silver Eagle Distributors and representing them was Mr. John Now and invited him to the podium. Council Member Alvarado stated that Anheuser Bush rated first overall in a survey of 10,000 business leaders, etc., in quality of product and services; and presented Mr. Now with a Proclamation which proclaimed May 25, 2004, as "Toast to Excellence Day", in Houston, Texas. Council Members Goldberg, Edwards, Holm, Sekula-Gibbs, Green and Berry absent.

Council Member Quan thanked Mr. Now for all that Silver Eagle did in helping the community in public safety and many other community causes. Council Members Goldberg, Edwards, Holm, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that Mr. Now and his company had been real assistance to the City of Houston since he had been Mayor, first, he showed him what Silver Eagle had done to convert their fleet to low emitting diesel to reduce pollution and it was a spur to him in what they were now doing to some of the vehicle fleet; and second, Mr. Now was a local, state and national leader in historical preservation and had gotten with Council Member Garcia and let him know what could be done to help preserve a part of one of the oldest African American communities here in Houston. Council Member Garcia stated that Mr. Now had given him hope and he thanked him for his assistance. Council Members Goldberg, Edwards, Holm, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado stated that today they were honored to have students from Bellaire High School and invited their representatives to the podium. Council Member Alvarado stated that the students had done such a great job and won first place in three competitions; and presented a Proclamation to the students for being members of the Academic Challenge Team, for bringing pride to their school, families and community, commended them for their outstanding accomplishments and proclaimed May 25, 2004, as "Bellaire Academic Challenge Team Day", in Houston, Texas. Council Members Goldberg, Edwards, Holm, Ellis and Sekula-Gibbs absent.

Council Member Alvarado invited students to the podium who scored a perfect 1600 on their SAT test and stated that they had been presented certificates previously and they now congratulated them. Council Members Goldberg, Edwards, Holm, Ellis and Sekula-Gibbs absent.

Council Member Khan stated that today they were honoring a Spelling Bee Champion for all of Southeast Texas and invited Steven Maheshwary and those with him to the podium. Council Member Khan stated that Steven had been a champion for many years; he was in the Alief School District and would represent Houston in Washington, D. C.; and proclaimed May 25, 2004, as "Steven Maheshwary Day", in Houston, Texas. Steven stated that it was great Houston leaders supported those like him in what they did and he was happy to represent Houston in such a great academic challenge. Council Members Goldberg, Edwards and Holm absent.

Council Member Galloway invited Mr. Frank Thompson to the podium and stated that Mr. Thompson was not only known for his civic involvement, but also played in Super Bowl I and

Super Bowl IV and was a legend; that his active civic involvement greatly added to the betterment of the City of Houston and presented him a Proclamation for his many achievements and proclaimed May 25, 2004, as "Frank Thompson Day", in Houston, Texas. Council Members Goldberg, Edwards and Holm absent.

Mayor White stated that when he was a young precinct judge Mr. Thompson took him under his wing and taught him how to get involved in civic neighborhoods and community; that he had done much for the community and for him; and Mr. Thompson thanked them for the recognition. Council Members Goldberg, Edwards and Holm absent.

Council Member Wiseman stated that she was pleased to welcome a group from Space Center Houston and invited all those present with Space Center Houston to the podium. Council Member Wiseman stated that they were excited to announce a new event at the Center; and presented a Proclamation to them recognizing Pokemon Space Party Month; for a one of a kind exhibit appearing from May 29 through June 6, 2004, which exhibited the characters; congratulated them and proclaimed June 2004 as "Pokemon Space Party Month", in Houston, Texas. The spokesperson stated that he saw everyone laughing and that was what they hoped to bring to the City of Houston. Council Members Goldberg, Edwards and Holm absent.

At 2:24 p.m. Mayor White called the meeting to order and called on Council Member Alvarado to lead in prayer. Council Member Alvarado invited Father Troy Gately of the Sacred Heart Cathedral Church to the podium and he led all in the prayer; and Council Member Alvarado led in the pledge of allegiance. Council Members Edwards and Holm absent.

At 2:26 p.m. the City Secretary called the roll. Council Members Edwards and Wiseman absent.

Council Members Green and Galloway moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION ADOPTED.

Council Member Green moved that the rules be suspended for the purpose of hearing Mr. Anthony Pizzitola, Ms. Gladys House and Mr. Darrell J. Patterson out of order, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2004-0560 ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of adding Rev. John Bowie, Mr. Juan Alvarado, Ms. Maria Jimenez to the list of speakers at the top of the three minute Non-Agenda, seconded by Council Member Goldberg. All voting aye. Nays none. Council Members Edwards, Wiseman and Ellis absent.. MOTION 2004-0561 ADOPTED.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Mr. Stanley Briars out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards, Wiseman, Ellis and Green absent.. MOTION 2004-0562 ADOPTED.

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Mr. Richard Shaw after Ms. Earlisha Frazier, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Edwards, Wiseman, Ellis and Green absent. MOTION 2004-0563 ADOPTED.

Mr. Anthony Pizzitola, 2527 Gramercy, Houston, Texas 77030 (713-269-9001) appeared, presented information and stated that the Houston Independent School District had gone public claiming the potential African-American and Civil War burials in the Fourth Ward was recent information and it was a lie; that Mr. Leonard Sturum was advised of the potential burials in 2001; that many graves could be under Andrews and Mason Streets and still under ownership

of the City of Houston; and urged that the Mayor and Council not grant the District title to the streets, review the chronology provided and encourage the District to produce a scope-of-work identifying historical artifacts and burials. Council Members Edwards, Wiseman, Ellis and Green absent.

Council Member Berry stated that with as much difficulty as they were having with this site he did not know why they would not go elsewhere and upon questions, Mr. Pizzitola stated that he advised HISD there was a civil war cemetery; that they had property in Timbergrove Manner but because of public protest they leased it now to the City for \$1.00 and found this site in the Fourth Ward; that the problem was they had 20 acres condemned to them in 1995 and now they wanted to sell 10 acres to a developer and use 10 acres for a school they may not need. Council Members Edwards, Garcia, Ellis and Green absent.

Mayor White thanked Mr. Pizzitola for bringing the matter to Council's attention. Council Members Edwards, Garcia, Ellis and Green absent.

Ms. Gladys House, 1605 Andrew, Houston, Texas 77019 (713-742-6995) appeared and stated that she wanted to reiterate what Mr. Pizzitola said; that too often decisions were made in Freedmen's Town without the grassroots residents input; that the City of Houston also had a reputation of taking over and claiming their projects after they worked hard to get funding and get them approved by Council and then just sit on them such as the Gregory School and trolley projects; that she thanked Council Member Berry for his support in the trolley project and stated that since the Parks Director would not respond to them or Council maybe Mayor White should call and get the status on why a park in their area had been closed for years. Council Members Edwards, Ellis, Sekula-Gibbs and Green absent.

Mr. Darrell J. Patterson, 1007 Ruthven, Houston, Texas 77079 (713-269-2857) appeared and stated that he was present asking the Mayor and Council to get involved in the preservation of their neighborhood, to help preserve the history, culture and heritage Council Members Edwards, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Mr. Robert Muhammad, 4443 Old Spanish Trail, Houston, Texas 77021 (713-741-2747) appeared and spoke against the Regional Transportation 2025 Plan, and stated that he was a student of urban planning and the plan was flawed and a road to no where; that there was too much reliance on road building and expansion and conversion of neighborhood streets into major thoroughfares; that it would destroy the quality of life with pollution and a component of home security should be looked at; that he also supported the Freedmen's Town people and wanted them and the hotel workers to get justice. Council Members Edwards, Holm, Sekula-Gibbs and Berry absent.

Council Member Wiseman stated that the HGAC Plan was a plan for an eight county region and that was why it addressed suburban communities; that the City of Houston went out and took them and they were a part of it; and Mr. Muhammad stated that was for tax revenue and it diluted the minority representation in terms of voting in this city. Council Members Edwards, Holm, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that Mr. Muhammad did an excellent job outlining problems in generalities; that if they were speaking in specifics they would get the magnitude of what he spoke of and people did know about the plan because it would destroy the neighborhood atmosphere. Council Members Edwards, Holm, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that his concern with the way the plan was laid out from a homeland security standpoint was they were working to widen roads and bring in additional population into a condensed part of the city and it seemed all they would have left would be neighborhood islands. Council Members Edwards, Alvarado and Sekula-Gibbs absent.

Mayor White stated that others were appearing on this and the city would be taking a new approach; that they had able representatives on the Transportation Committee and they would take his advice of not criticizing what has been done, but take a bold new approach to the future; and further discussion would be tomorrow during a presentation in Council. Council Members Goldberg, Edwards, Wiseman, Alvarado and Sekula-Gibbs absent.

Mr. Tim Gorham, 2369 Bolsover, Houston, Texas 77005 (713-654-4988) appeared and spoke against the Regional Transportation 2025 Plan, and stated that Houston seemed to be the city least concerned with quality of life issues from others he had lived in; that they were most interested in highways, parking lots and concrete, but more trees, bike paths, etc., would enhance the quality of life for everyone and city leaders were needed who would balance needs with citizen interest groups. Council Members Galloway, Goldberg, Edwards, Wiseman, Sekula-Gibbs and Green absent.

Upon questions by Council Member Quan, Mr. Gorham stated that most dreamed of walking to a store or park and communities which offered such amenities resulted in an increased standard of living and attracted higher paid professionals which resulted in higher property values and higher tax revenue. Council Members Galloway, Goldberg, Edwards, Wiseman, Sekula-Gibbs, Green and Berry absent.

Ms. Susan Cobb, 2369 Bolsover, Houston, Texas 77005 (713-524-3138) appeared and spoke against the Regional Transportation 2025 Plan, and stated that she learned yesterday of the many new highway projects planned for her neighborhood and was horrified to hear four would be widened and in some places turned into grade separated express ways; that the Rice University area was a nice place to live and visit with many trees and places to ride bikes and get around and the plan threatened all of that; and urged the Mayor and Council to work with citizen groups calling for revision of the plan and make Houston a more desirable place to live. Council Members Galloway, Edwards, Wiseman, Alvarado, Sekula-Gibbs and Berry absent.

Mr. Jaime Flores, 2600 Hamilton #121, Houston, Texas 77004 (281-513-5413) appeared and stated that he was president of the hotel employees union and present regarding current negotiations with the Hilton Hotel; that two months ago they were present thanking the Mayor for what was done in making the hotel union, March the hotel recognized the union legally because 75% of the employees signed up and all were very excited, but now they were saying the working conditions were not good; that 50% of the employees still made \$6.50 an hour before taxes and in addition paid \$54.00 a month to park and close to \$400.00 a month to cover family under medical and \$60.00 a month to eat even when the meals were left over and some employees got sick from them; and they were asking for the Mayor's support. Council Members Edwards, Wiseman, Alvarado and Sekula-Gibbs absent.

Upon request, the City Secretary read the Rules of Council regarding the expression of approval or disapproval of actions being taken during Council and stated that Council would appreciate the rules being observed. Council Members Goldberg, Edwards, Wiseman, Alvarado and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Mr. Flores stated that the Hilton Hotel was the only one union right now; that negotiations were started and they were going back to the table tomorrow. Council Members Edwards, Wiseman, Alvarado, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Quan, Mr. Flores stated that it was voluntary recognition of the union; that by law they were required to have 50% plus one employee asking for it and they had 75.4%; that the Hilton Hotel said they could not pay employees well and the city would have to make those decisions; and employees paid \$60.00 a month for meals and they were leftovers from banquets and one member present today got sick from the food and went to the hospital and now had disciplinary action; that things were now getting ugly there and

a hotel owned by the city should treat employees with dignity and respect. Council Member Quan stated that one reason the city picked Hilton as the operator over Marriott was because it did have a better relationship with unions over the years; that he received his letter and if they were not negotiating in good faith he wanted to know. Council Members Edwards, Wiseman, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Galloway stated that she had heard about the problems and wrote a letter to the management; that she hoped some cost factors could be eliminated; and upon questions, Mr. Flores stated that the employer contributed to insurance, but if you made \$6.25 an hour no one could pay for insurance. Council Members Wiseman, Khan, Alvarado, Ellis and Berry absent.

Upon questions by Council Member Garcia, Mayor White stated that their point person for keeping Council abreast on negotiations was between the hotel corporation and management, both Michael Moore, Richard Latham and his staff had been in touch to get a sense of where they were; that he would say it was unusual and noteworthy that the hotel corporation board took the position of a labor organization not typical to the industry in this region and now they were beginning the next stage in the process. Council Member Garcia stated that he wanted insight on this and was asking the Administration to keep him informed; and Mayor White stated that this was the beginning of a bargaining process, it was unusual for the hotel board to recognize employee representation and it was a good first step. Council Members Wiseman, Alvarado, Ellis and Berry absent.

Upon questions by Council Member Edwards, Mayor White stated that the employees were employees of the hotel corporation, not city municipal employees; that the hotel had a separate operating entity and a board with public appointees and policy directions to get revenues up and promote Houston; that he would make sure there was a point of communication and Mr. Moore in his office had handled many labor issues along with Mr. Hall and was generally informed and the person within the corporation he let Mr. Campos address who had ultimate authority to handle negotiations for the corporation. Council Members Wiseman, Alvarado, Ellis, Berry and Green absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Alvarado, Ellis, Berry and Green absent.

Rev. John Bowie, who was previously added to the speakers list, appeared and stated that he was pastor of the True Light Missionary Baptist Church and a member of the Metropolitan Organization and the hotel situation was brought to their attention and they were in support of a living wage and health insurance for all workers and this city should not be using tax dollars or subsidies for supporting businesses who could not provide a living wage or benefits; that wages they were paying necessitated continued dependence on public assistance programs and it was not acceptable; that his organization also supported immigrants and their right to work and they were concerned that 25 were recently fired; and was urging that the Mayor and Council look into those firings and insure fair practice in place. Council Members Wiseman, Alvarado, Ellis, Berry and Green absent.

Mayor White stated that under a prior question by Council Member Edwards under the management contract ultimately the party responsible was the hotel corporation, but under the management contract with Hilton the pay stub came from Hilton and there were aspects within the contract of Hilton which governed day to day management and operations of the property, ultimately there was a role on both the contract manager and owner of property concerning the outcome of the negotiations and he believed representatives of Hilton, the management company working for the public entity, would be on frontline of the negotiations. Council Members Wiseman, Alvarado, Ellis, Berry and Green absent.

Upon questions by Council Member Khan, Rev. Bowie stated that he was not sure why employees were fired, but was told it was without due process. Council Members Wiseman, Alvarado, Ellis, Berry and Green absent.

Mr. Juan Alvarado, who was previously added to the speakers list, appeared and spoke in Spanish stating that he was with ACORN and present in support of the employees of the Hilton who were being treated unjustly by management. Council Members Wiseman, Alvarado, Berry and Green absent.

Upon questions by Mayor White, Mr. Alvarado stated in Spanish that if employees did not have papers why hire them in the first place; that nothing was done until they were joining the union. Council Members Wiseman, Alvarado, Berry and Green absent.

Council Member Khan stated that he did not understand Spanish and would like an interpretation; and Council Member Garcia stated that basically his point of concern was there was a breakdown in negotiations now and his position was that management was in contract with the City of Houston and the City had obligation in oversight of those negotiations; that individuals were terminated and presumed to be at the point of membership with the union; that supposedly they were terminated because of being undocumented but his position was they worked there a significant amount of time prior to becoming a union member and then once members they were used as scapegoats to intimidate the rest of those employees at the hotel. Council Members Galloway, Wiseman, Alvarado, Berry and Green absent.

Council Member Garcia thanked Mr. Alvarado for coming and bringing it to Council's attention; and Mr. Alvarado stated that everyone should be treated the same. Council Members Wiseman, Alvarado, Berry and Green absent.

Ms. Maria Jimenez, who was previously added to the speakers list, appeared and stated that they were all preoccupied that the firing of the 28 Latino immigrants was selective enforcement of immigration law with the objective of intimidating and killing the right to organize the workers; that in 1986 cleaning workers voted union in Allen Parkway Village and suddenly INS came and took the workers and deported them; that in the last four or five years what was used as no match letters, the verifying of social securities and then dismisses workers, had begun and this was the same tactic used here; that for anyone monitoring immigration laws it was obvious this was selective enforcement and meant to use them when needed and then when they vote union to defend their rights dismiss them all; that it was serious and should be called what it was, union busting; that this was a serious violation of labor rights and human rights in general; and urged city officials take a good look at it, bring justice to those concerned and put negotiations back in a good faith effort. Council Members Wiseman, Alvarado, Ellis, Berry and Green absent.

Upon questions by Council Member Edwards, Ms. Jimenez stated that everyone dismissed was Latinos and that was why she was asking for an investigation so they could be sure it was not targeting a certain group or nationality. Council Members Wiseman, Alvarado, Ellis, Berry and Green absent.

Council Member Edwards asked if there was a process that could be referred to her or a policy handbook of how the issue was addressed by the hotel or agency managing it; and Mayor White stated that a report would be given to her and other Council Members. Council Members Wiseman, Alvarado, Ellis, Berry and Green absent.

Upon questions by Council Member Quan, Ms. Jimenez stated that she was informed of the dismissal Friday and apparently that was when they were dismissed; that they had at least been there since the Super Bowl. Council Member Quan stated that the verification on immigration status should have been done within two to three days of hiring and then to come four or five months later saying there was a problem; and Ms. Jimenez stated that was why it

looked like selective enforcement and intimidation during negotiation contracts. Council Members Wiseman, Alvarado, Ellis, Berry and Green absent.

Council Member Quan moved that the rules be suspended for the purpose of allowing Mr. Jaime Flores to answer questions at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman, Ellis, Green and Berry absent. MOTION 2004-0564 ADOPTED.

Mr. Flores stated that he wanted to clarify the situation regarding the terminated employees at the Hilton Hotel; that at this point they knew there were over 25 of them; that the employer provided names of those terminated and all were Mexicans; that they did not know the others because the employer was refusing to supply the names and the point they were making was the employer had the ability to find out if the employee had proper documentation at the time of hiring so why four months later would they be terminated for social security numbers not matching; that this was brought up in negotiations so the Hilton said there would be language included in the collective agreement to protect the employees and they were grateful, but the problem was those laid off needed to be brought back to work and given the chance to prove they had proper documentation or were in process of getting it; and Council Member Quan stated that was a reasonable request, when you had a no match letter from social security it brought suspension and put the employer on notice but then that employer must then give the employee an opportunity to respond within a reasonable time period and if that was not being done it needed investigation. Council Members Goldberg, Wiseman, Alvarado, Ellis, Green and Berry absent.

Council Member Quan stated that Mayor White indicated he would do an investigation and let Council Members know and he would appreciate it; and Mayor White stated that he would ask Mr. Moore to contact and then get a report back from Dawn Ulrich; that the city was not responsible but would give due regard to both the contract with Hilton and the autonomy of the hotel corporation board, but they needed a point of contact and would ask it to be done. Council Member Quan stated that he was willing to provide any legal assistance in this area to the city. Council Members Goldberg, Wiseman, Holm, Alvarado, Ellis, Green and Berry absent.

Upon questions by Council Member Galloway, Mr. Flores stated that the hotel was refusing to give a complete listing, but out of the employees the majority signed the union cards. Council Members Goldberg, Wiseman, Holm, Alvarado, Ellis, Green and Berry absent.

Mr. Stanley Briers, 6109 St. Augustine, Houston, Texas 77021 (281-326-5400) appeared and stated that he was present representing the plumbing, air conditioning, and mechanical contractors association and was present regarding a problem that was probably a health hazard in the making; that there could be many cross connections of water fountains; that the problem was they were not permitting things being done by other public entities, they were not getting benefit of City of Houston inspections to protect citizens; that years ago permits were given to other entities building and there was no fee but there were inspections; that then the inspection department was turned into an enterprise system and they started charging other public entities and somehow they backed off and started letting them build what they wanted and they were not being inspected; that at Garden Oaks Elementary there was another water fountain hooked up by an irrigator pumping water from flower gardens and that was now being taken care of, but water was being furnished to other entities outside Houston and they were doing with it what they wanted and it needed to be changed before there was a problem with many getting sick drinking water with contaminants such as fertilizer, etc., and they were urging to go back to having all work inspected by the Building Inspection Department. Council Members Galloway, Goldberg, Wiseman, Garcia, Green and Berry absent.

Council Member Sekula-Gibbs stated that this was a serious issue for citizens; that water could be contaminated and not with sewage but with backflow from irrigation water; and upon questions, Mr. Briers stated that being another public entity they claimed they did not have to go

through the regular building process so plans were not looked at and in some instances people not qualified were connecting the lines; that the work was not inspected and you did not know where the water supply was coming from; that years ago when the federal building was built they said the city could not inspect it, but the City of Houston buckled down and said no inspection, no utilities and the plans were looked at and many problems were found and then connected before it was built and turned over to the public and they have to go back to that. Council Members Galloway, Wiseman, Garcia, Green and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mayor White stated that he would commit to looking into it and request a report be made to him along with whatever alternatives existed; and he appreciated Mr. Briers coming. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Ellis stated that this was a serious issue; and upon questions, Mr. Briers stated that there was a system in place that worked; that 30 years ago if a public entity built in the City of Houston they received a no fee permit and Building Inspection did inspect and make sure it complied with all city ordinances; that now by saying they were a government agency they did not need a permit or review process and they needed no inspection. Council Member Ellis stated that they owed it to everyone to make sure a private building and public building were all safe. Council Members Galloway, Goldberg, Wiseman, Garcia, Green and Berry absent.

Council Member Ellis moved that the rules be suspended for the purpose of hearing Mr. Barry Klein at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Members Galloway, Wiseman, Green and Berry absent. MOTION 2004-0565 ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of adding Lt. Colonel Charles E. Hall to the list of speakers, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Galloway, Wiseman, Green and Berry absent. MOTION 2004-0566 ADOPTED.

Lt. Colonel Charles E. Hall, who was previously added to the speakers list, appeared, presented information to the Mayor and Council Members and stated that he was present today because the 1st Battalion 23d Marines, headquartered in Houston recently received orders to activate no earlier than June 1st and for a period of 12 months with a possible 12 month extension and that did affect roughly 400 members of the greater Houston area and 400 marines and sailors were in the two companies in Houston and 1,000 marines across Texas and Louisiana would be mobilized as a part of that infantry battalion; that he was quick and brief, but hit the high points; that information was presented and he would be glad to answer any questions. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Upon questions by Mayor White, Lt. Colonel Hall stated that there was a sendoff next week, but it was a family day at this point and not a public event. Mayor White stated that prayers would be with them; thanked them for what they did they were proud of them. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) appeared, presented information and spoke on the 2025 Plan, stating that an article pointed out the average time for a commuter was half an hour and congestion was something to be lived with because it could not be eliminated and that was useful for anyone trying to write transportation policy; that it was pointed out assumptions on land use, expansion of roads and subsidizing mass transit was flawed; that on the internet the Highway Administration made some of the same points saying there was no sure way to measure congestion and it was tolerable if predictable. Council Members Galloway, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent.

Mayor White stated to inform Council, the regional management of Southwestern Bell kept in touch with his office concerning their principal interest in making sure there was no disruption because of the strike and he was just notified there was a tentative settlement of that matter about 45 minutes ago. Council Members Galloway, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent.

Mr. Wilbur Gay, 5311 Southampton Estate, Houston, Texas 77005 (713-526-1586) appeared and spoke against the 2025 Regional Transportation Plan; and stated that he spent 33 years as a petroleum economist and was responsible for worldwide demand supply forecasting for Exxon and was one of the top three oil analyst on Wall Street; that he was bringing attention to the fact that oil production would peak sometime in the next five years; that the industry was discovering only about 10,000,000,000 barrels a year which was less than half of what was being consumed; that they had not discovered more than that in any year since 1990; that after 2010 world oil production would begin declining at approximately 2% a year and by 2020 there would be 25% less oil in the world; that the US and Houston in particular would be among the hardest hit areas for three reasons, they had the largest and least efficient car fleet, they had the lowest per capita spending on mass transit and they had a very large country; that the impact would be broad for example long haul diesel trucks would be history because they would lose the market to railroads so why widen I-10; that declining gasoline also meant declining fuel tax revenue for the state; that the Regional Transportation Plan needed to be completely rethought and they would be much better off investing money in mass transit, tram lines driven by electricity. Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan thanked Mr. Gay for coming and sharing his concerns and stated that Austin was a city which had taken a very proactive approach to green energy sources and clean energy for the future and that was something the City of Houston could learn a lesson from; that they had been working on a more comprehensive housing plan that would incorporate transportation, city facilities, increasing densities, wiser use of spaces they had rather than allowing open development throughout the area; that they did need to look at long-term and see what was more ecologically viable. Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he was originally trained as an economist and he did not believe in Hubert's hypothesis for oil; that over the last several years he changed his view based on facts and a deeper understanding of the science involved; that what he shared had significant probability that the hypothesis was correct and it had profound implications for the City of Houston and citizens; that reality or the truth had to be your friend and needed to be embraced; that he would like him to consider working with them; that they were going to have a team, for sometime now Houston had not played the leadership role many wanted and they needed to be responsible, hardheaded, specific and he would like him to consider working as a part of the team as they were now trying to identify people who would help think through implications of the alternative scenario; and Mr. Gay stated that he would be happy to assist in anyway possible. Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs, Green and Berry absent.

Mr. Al Russell, 2022 Shadow Bend, Houston, Texas 77043 (713-827-7474) appeared and stated that he was president of the Spring Branch West Super Neighborhood and he was present to let Council know they were very interested in the Regional Transportation Plan and was inviting all to their meeting June 10th where they would see how it would affect their neighborhood. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas 77005 (713-524-4578) appeared, presented information and spoke against the 2025 Regional Transportation Plan, and stated that it should be clear to Council by now that Houstonians were against the plan and wanted key improvements before it as approved; that groups throughout the city joined together to work

out a recommendation which would allow an RTP to go forward while developing a better plan to protect neighborhoods and the citizen's coalition should have a place at the table; that it was time to start listening and inviting community representatives to the table and urged that he do so and call for a revision of the plan. Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Edwards, Mayor White stated that the issue was not looked at in the Transportation Committee, but at the last Council meeting there was direction given that it should be. Council Member Edwards stated that she would encourage a committee meeting to review their plan and give them opportunity to express their concerns; and Mayor White stated that he thought that was absolutely correct and he appreciated her coming; that their interest was great and it had raised awareness; that the planning process was continual and changed in response to priorities of citizens. Council Members Lawrence, Galloway, Goldberg, Wiseman, Sekula-Gibbs, Green and Berry absent.

Council Member Ellis stated that it was his understanding Council Member Berry agreed to bring this to his committee and would have open dialogue; and Mayor White stated that with respect to this issue he would be happy to meet with the group considering specifics; that he liked to make sure a team was in place so decisions could be made and move forward; that he also liked meeting with Council Members on the committee; that he regretted some meetings had not already occurred, but they would get done. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she had just spoke with Chairman Berry and he said he was planning to have the meeting with that item on the Agenda. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Debra Fentroy, 10103 Lansdale, Houston, Texas 77036 (713-981-1767) appeared and stated that she was a room attendant at the Hilton and they worked very hard and paid poverty wages; that they worked in dangerous conditions as the chemicals used affected their health; that the air conditioners went off after checkout and when they went in to clean they closed the doors behind them; that it would be so hot her glasses would fall off her face and then there were chemical fumes and she would like the union to resolve that issue. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Ellis moved that the rules be suspended for the purpose of hearing from Ms. Brenda Flores after Mr. Daniel Ajayi, seconded by Council Member Edwards. A vote was not taken as a quorum was not present and they agreed by consensus. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Daniel Ajayi, 9707 South Gessner Drive #2316, Houston, Texas 77071 (713-271-3579) appeared and stated that he was with the Hilton Hotel and present to speak on two issues; that the food they sold them was leftover from banquets and should be looked into and the issue of medical insurance and parking was very expensive, especially compared to their salary and that should also have serious attention; that not having safety equipment needed to be looked into and he wanted to add those issues to what had been already said. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Ajayi stated that the food was mainly from the banquet hall and already paid for, but that food went back to the cafeteria; that they paid \$1.00 for breakfast and \$2.00 for lunch; that he cut his hand on a dish and had to leave

and go down for treatment; that they provided no gloves or masks. Council Member Edwards stated that if food handlers had cuts or blood not being addressed properly it was a serious health issue and she would like more information from the union. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Ajayi stated that the extra meals from the banquet were paid for and excess, but if they wanted to eat it they had to pay for it; and his colleague got sick from eating it, she had food poisoning. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Brenda Flores, 2041 Marnel Road, Houston, Texas 77055 (713-722-9258) appeared, presented information and stated that she was commending the Mayor and Council for the way they handled the pension fund deficit; that she was asking for a complete and thorough investigation of the employee pension system to find out who knew what and when they knew it and was asking that the Mayor offer tools and resources the OIG may need for the investigation. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg thanked Ms. Flores for coming and stated that he hoped the OIG would follow-up. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Ellis, Ms. Flores stated that she did go to the OIG and they prepared the affidavit and information for her complaint. Council Member Ellis stated that the primary reason he would want the investigation was so they would not repeat history and they could make sure it would not happen again. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he would like to know who was responsible for the predicament; and upon questions, Mayor White stated that he did not know when he authorized an independent report where it would lead; that it was not to make light of or dismiss, but he wanted to know what the status was, try to fix it so there would be secure pensions and make sure there was a plan so it would not happen in the future. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Earlisha Frazier, 8511 Haynes, Houston, Texas 77088 (281-465-2973) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77029 (713-923-9473) appeared and stated that Mayor White said it was an unusual process to connect the hotel with a card check neutrality agreement, but going back four years it was an agreement worked out between the Harris County AFLCIO and the hotel corporation board for a union hotel; that they had 68 international unions who met every two to four years in convention and brought somewhere between 2,000 and 6,000 to a convention and could only go to a city with a union hotel so it was a money deal; that the democratic convention could only meet in a city with a union hotel and right now the unions were rotating among a number of cities. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan moved that the rules be suspended for the purpose of extending

time to Mr. Richard Shaw, seconded by Council Member Edwards. A vote was not taken as a quorum was not present and they agreed by consensus. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Richard Shaw further stated that they were rotating among the big cities and were tired of the circuit and they wanted to bring them here to Houston and that was why a union hotel was necessary. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that Mr. Shaw was accurate; that she was involved in it and all were excited and celebrated the fact that they had the card check neutrality agreement which was probably one of the first of its kind at that time for a City of Houston project and she hoped the Administration would make a real effort to resolve the issue; that it was complicated with the Immigration Office being involved and their quick reaction to go out and enforce; and she wished they were as quick to process citizenship as they were selective enforcement. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she thought it was in the city's best interest to get this quickly solved and have a hotel amenable and pleasant for everyone to come to and work for. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Charlie Singletary, 127 Circle Way #A, Lake Jackson, Texas 77566 (979-285-5528) appeared and stated that he was business manager for the International Union of Operating Engineers, Local 564, and they were affiliated with the AFLCIO; that he was present in support of the hotel employees international union and he was also present on behalf of the maintenance workers of the Hilton Americas; that before the hotel was built there was a neutrality card check agreement with the hotel employees international union and that was so neither side would intimidate or coerce employees to join or not join the union and it would be a fair process and so once enough signed the Hilton would recognize the union and start the collective bargaining process; that they wanted fair wages, better working hours and conditions and treated with respect and dignity; that once they had a union hotel there would be huge conventions downtown; that the only such hotel in Texas was in Dallas and he was asking for Council's help to let the hotel know they would not allow federal labor laws to be violated and for all of them to contact the representatives of Hilton Americas for them to recognize maintenance workers with the card check agreement. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan moved that the rules be suspended for the purpose of hearing Ms. Ann Oryan at this time, seconded by Council Member Ellis. A vote was not taken as a quorum was not present and they agreed by consensus. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Ann Oryan, 4970 Hwy 290 West #310, Austin, Texas 78735 (512-899-8843) appeared and stated that towing was a safety issue on freeways and they appreciated the efforts being made, but were requesting modification to exclude the shoulder area; that they believed the ordinance could retain the integrity of the program and address traffic safety; that they found the shoulders were not a problem in incidents and crashes occurring. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Oryan stated that when there was a shoulder they would like a vehicle to be able to pull over, otherwise they were fine with the

ordinance; that LA had a freeway service patrol program where removing vehicles from lanes of traffic benefited all so when they were removed from the roadway they were not charged; that there were two taxes which paid for it; that they would have liked to be involved sooner and offered that as one solution. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Oryan stated that without the use of the shoulder there was no opportunity to make a choice, to call their motor club, their favorite repair shop or change a tire themselves. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Chris Chenoweth, 1810 Oakdale #B, Houston, Texas 77004 (713-533-9535) appeared, presented information and stated that he was present to speak on a very important and controllable health risk which was secondhand smoke; that the EPA classified it as a Class A carcinogen which was in the same class as benzene and asbestos; and urged that a strict ordinance be developed to prohibit smoking in restaurants and bars. Council Members Lawrence, Galloway, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Khan, Mr. Chenoweth stated that currently smoking was banned in city public places and he would like it banned in all public places, most importantly restaurants and bars. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mr. John Cobarruvias, 14646 Cardinal Creek, Houston, Texas 77062 (281-486-5203) appeared, presented information and stated that he was with Homeowners Against Deficient Dwellings (HADD) a volunteer organization which helped homeowners with defects and lobbied for added protection for homebuyers; that the state created the Texas Residential Construction Commission to oversee the building industry because consumers were fed up; that if you wanted to buy the "American Dream" you had to give up your constitutional rights to a civil trial for anything over \$20.00; that it was in the Constitution and yet the building industry required you to sign that right away at time of purchase; that their suggestion to the City of Houston was if there were affordable housing companies building in the city with contracts that they be given to builders who did not use arbitration; that also new home warranties came under fire because they were deception and not protection and the TRCC was reviewing. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Quan, Mr. Cobarruvias stated that you had to give up your right and every builder had it; that it was not an alternative resolution, but their resolution; that hearings conducted in the Texas House was pretty positive that it was very abusive and not cost effective. Council Member Quan stated that he would like a copy of his report. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Ms. Janet Honn, 18 Ninth Avenue North, Texas City, Texas 77590 (409-941-9276) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mr. Benjamin Notzon, 5252 Memorial Drive #4071, Houston, Texas 77007 (713-844-0136) appeared and stated that he sent an E-mail to Mayor White last week and was reading that E-mail; that he had a scooter and his concern was there were no motorcycle or scooter parking areas in Downtown; that if he parked at a meter notes were left he should not take up a whole spot and if he parked elsewhere he was ticketed; that it could be easily alleviated by placing such parking areas which he would be glad to assist in and many cities did have them; and urged consideration. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Lucy Salazar, 1419 Munger, Houston, Texas 77023 (713-210-1715) appeared and

stated that she was present as their sidewalks needed attention; that the 1400 block of Munger was very dangerous, they were not wheelchair accessible and children fell; that they had been through seven Mayors living there and some streets were taken care of but not theirs and they were asking for assistance. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she was not sure why that street was left off; that the Administration was reviewing policy as it pertained to sidewalks, but she did hope someone would sit and speak with her at this time; and Mayor White stated that they needed to investigate and see what happened. Ms. Salazar stated that she had pictures and Council Member Alvarado stated that she should give them to Mr. Cantu. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Edgar Thompson, 7257 Chasewood, Missouri City, Texas 77459 (713-807-7477) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Diane Menard, P. O. Box 91036, Houston, Texas 77291 (713-476-0206) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Minister Felencia Dykes, 7200 T. C. Jester #3303, Houston, Texas 77088 (281-999-5726) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Cleola Williams, 1706 Edwards, Houston, Texas 77007 (713-225-6838) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Randall Smith, 3213 Burkett, Houston, Texas 77044 (713-652-3801) appeared, presented pictures and stated that last Saturday an event took place at Emancipation Park and called the "Mayor's Cleanup Committee"; that this was to be an answer to a request he made a couple of months ago to Council Member Alvarado to help with their heavy trash problem in Third Ward, but after the cleanup it was still there; that the cleanup was nothing but a dog and pony show as it was scaled down to "Let's Go Cut the Church's Grass Campaign", all that happened was the church's grass was cut and all the heavy trash was still there; that two van loads of community service workers and a whole bus load of probationers was brought out and given machetes and they could have let them all stay home and just bring out one mower and accomplished the same thing; and again was requesting to Council Member Alvarado that she get interested and give a little help. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that the effort took a lot of work and organized by the Mayor's Office; that 129 weeded lots were cut, 3 dumpsites cleaned and 10 city blocks were de-littered and 3 buildings demolished; that they had his request and it was being handled; and Mr. Smith stated that he disagreed; that he was only talking about 8 blocks and nothing was done; that it would only take one person with a reasonably functioning brain to accomplish this and apparently in the Heavy Trash Department there was not such a person; that if they could not even pick up that much trash already piled up for them how could they help the others present today with such problems. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would suggest he be allowed to be a part of the cleanup planning in the area; and Mr. Smith stated that he would be glad to do that. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that he was a part of why the effort was created, but it was not exactly his plan or to his liking; and Mr. Smith stated that nothing he asked for was done. Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent.

Council Member Goldberg thanked Mr. Smith for being involved, taking pictures and trying to do something about it. Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent.

Mayor White stated that he heard him say there was a lot of work to be done and that the only thing done was cutting grass at a church; that many citizens wanted to get involved and he understood his point there was more solid waste needed and someone could not substitute what was done Saturday for what he wanted, but he thought when someone did do some good it was not worth criticizing something being done because everything was not done; that they did get his point; and Mr. Smith stated that he was sorry he seemed overly critical but when it was so simple to put trash in a truck and haul it away; and Mayor White stated that point was well made. Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent.

Mr. Kevin Hunt, 2148 Looscan, Houston, Texas 77019 (713-528-7739) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent.

Ms. Stella Neal, 14527 Kinghead, Houston, Texas 77044 (281-225-2092) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent.

Rev. Lula Wilson, P. O. Box 451005, Houston, Texas 77245 (713-433-0146) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent.

Ms. Brenda Routt, 9700 Court Glen Drive #914, Houston, Texas 77099 (281-575-0523) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent.

Ms. Cozeters Sias, 12406 Clear River, Houston, Texas 77050 (281-442-0233) appeared and stated that this was four weeks she had been coming; that she saw the doctor the city chose and nothing was accomplished; that she never witnessed such a doctor, he was rude and funny and then told her wasn't she old enough to get Medicare and she told him she fell on a job she had been on 18 years and was not calling Medicare. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Sias stated nothing was done. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Cross appeared and stated that she was Ms. Sias daughter and Dr. Peavy was very rude and had no bedside manners, he acted just like a quack. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia,

Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Hall stated that the memo from the Human Resources Director said there was a dispute with the Workers Compensation administrator the city hired as to whether this was a covered injury, whether the problem was created by the incident, the Human Resources Director was saying they were continuing to evaluate this issue and the report from the independent physician and the suggestion being made was that if there was a need for emergency medical treatment that the regular health benefits program would do that and if they later found it was a covered Workers Compensation injury then the Workers Compensation Program would reimburse the health benefit plan or expenses related to the necessary medical attention; that he did not mean to say emergency, if she was in pain and needed immediate medical attention was the point he was making; and in essence she was getting the medical attention needed. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that the only thing on the table now in terms of process was for her to go through the benefit review conference scheduled for June 10th; and Mr. Hall stated that he would suggest the Human Resources Director get with Ms. Sias and explain his letter, she did have the option of medical attention and the question was whether the regular medical benefits program would pay for it or the Worker's Compensation Program; and Mayor Pro Tem Alvarado stated that they would make sure someone from Human Resources would give her a very clear and definite explanation. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Nancy Cage, 8718 Patti Bob, Houston, Texas 77029 (713-673-4566) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Isa "Nicky" Skafi, 211 W. 23rd, Houston, Texas 77008 (832-347-8346) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Sam Said, 8180 Southwest Freeway, Houston, Texas 77074 (281-330-0226) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Gracie Yerena, 6619 Alfano, Houston, Texas 77076 (713-298-7591) appeared and stated that she waited all this time and almost everyone was gone; that tomorrow they would be making a decision and they were not even listening; that the Mayor and Council Members read it and thought they knew, but she lived it and you had to be out there to know how it was; that the city had them like a puppet. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Yerena stated that she felt no one had sent her anything and she came because she knew what was going on; that she felt they had them like puppets; that she was proud she had her own wrecker and they should be proud people like her were trying to work; that they were present because she and others voted for them. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

PRESENT)

Upon questions by Mayor Pro Tem Alvarado, Ms. Yerena stated that Council saw the people here but they did not see them out there doing all the work themselves; that they talked to Ms. Rash and others, but not them, it was a money thing and they were being put out of a job. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Yerena stated that she represented herself; that Ms. Pool and her organization in a way represented her but there was always something being added or changed in the proposal; that she was along with them because they were all drivers, but things kept changing and she did not always agree. Council Member Edwards stated that they tried to get as close as they could but no ordinance had everyone agree. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he was always very open and if she felt she wanted to discuss things in detail she could meet with him today, tomorrow or any day of the week; that he was sure other Council Members felt the same way, but he had always been very available and he was sorry as he did not know the others had not represented her. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and expressed his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-44511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Suzanne Poole, P. O. Box 1035, Missouri City, Texas 77489 (281-438-5427) appeared and stated that she was speaking on behalf of the Wrecker Association and several things had come up with speakers, such as Ms. Oryan talking about being towed from the shoulder, but the ordinance they prepared on page 4 number 16 had a provision for that and she would like Council to think about it, if there was no shoulder how would the people get off the road, they could not put them in the wrecker and they could not ride in the vehicle and if they were handicapped or had small children there was more than one problem. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that some new items were placed in the ordinance which were a direct result of her input; and Ms. Poole stated that they were concerned with some items because of the vagueness. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Agnes Johnson, 253 Chimney, Houston, Texas 77036 (713-780-4026) appeared and stated that she was present pleading that Council not let intolerance transfer ignorance, hate or pre-justice to hold people down so they could never be free from their guilt or penalty of sins; that she was representing most with felonies and trying to get help to review some administrative procedures regarding criminals. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that if she had information she could present it to Mr. Cantu. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Johnson stated that she was talking about her personal case and others; that she had not gone to Internal Affairs. Council Member Edwards stated that was the first thing she needed to do, to file an official complaint at Internal Affairs if she thought things were not handled correctly. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs 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 expressed his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:31 p.m. City Council recessed until 9:00 a.m., Wednesday, May 29, 2004. Mayor White, Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, May 26, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, May 26, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:22 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:15 Mayor White reconvened the meeting of the City Council. Council Members Goldberg, Wiseman, Alvarado, Ellis, Green and Berry absent.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item No. 21 out of order, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Goldberg, Wiseman, Alvarado and Green absent. MOTION 2004-0567 ADOPTED.

21. REQUEST from Mayor for confirmation of the appointment of **MR. PHIL BORISKIE** as City of Houston Fire Chief – was presented, moved by Council Member Quan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Goldberg, Wiseman, Alvarado and Green absent. MOTION 2004-0568 ADOPTED.

Mayor White stated that he wanted to congratulate Chief Boriskie on behalf of all and invited him to the podium. Council Members Goldberg, Wiseman, Alvarado and Green absent.

Chief Boriskie stated that it was with deep honor and pride that he accepted the nomination to be an advocate for his fellow firefighters, that he wanted to assure the citizens of Houston and the City Council that the Fire Department had delivered outstanding service to each of their constituents and would continue to do so, that he could acknowledge many people but thought it was very appropriate to acknowledge their spouses, that firefighter spouses on a daily basis worried when they heard the news that somebody was injured and were a very integral part of their lives, they missed many Mothers Days, Christmas and Thanksgivings, so he would like to acknowledge his spouse, who was present in the audience and asked that she stand and be recognized, and thought it was very appropriate, not just for his spouse but for the spouses of all the firefighters in the City, that he wanted to thank the Council and assure them that he would work with them very closely. Council Members Wiseman, Alvarado and Green absent.

Mayor White and Members of Council congratulated Chief Boriskie on his appointment and wished him well in his new position as Fire Chief. Council Member Wiseman absent.

Mayor White stated that they had a very important Mayor's Report coming up, but next on the agenda they were legally obligated to hold certain public hearings. Council Member Wiseman absent.

HEARINGS - 9:00 A.M.

The City Secretary stated that no one had reserved time to speak at any of the hearings and Ms. Margaret Wallace, Planning and Development Department, would make comments on each hearing. Council Members Goldberg and Wiseman absent.

1. PUBLIC HEARING on a proposal for the City of Houston and **FALLBROOK UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **FALLBROOK UTILITY DISTRICT**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Members Goldberg and Wiseman absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with Fallbrook Municipal Utility District, located at Interstate 45 at West Road, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Council Members Goldberg and Wiseman absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2004-0569 ADOPTED.

2. PUBLIC HEARING on a proposal for the City of Houston and **FAULKY GULLY MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **FAULKY GULLY MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of **FAULKY GULLY MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Members Goldberg, Wiseman and Holm absent.

Ms. Wallace stated that the hearing was for a Strategic Partnership Agreement with Faulkey Gully Municipal Utility District located West of Highway 249, along Louella and Spring Cypress, the area included in the agreement included commercial properties, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the

Fireworks Ban on roadways to be annexed that were not part of the MUD. Council Members Goldberg, Wiseman and Holm absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Goldberg, Wiseman and Holm absent. MOTION 2004-0570 ADOPTED.

3. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 52** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 52**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Members Goldberg, Wiseman and Holm absent.

Ms. Wallace stated that Harris County Fresh Water Supply District 52 was located on the northside of FM1960, between Champion Forest and Cutten Road, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Council Members Goldberg, Wiseman and Holm absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2004-0571 ADOPTED.

4. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 102** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 102**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Members Goldberg and Wiseman absent.

Ms. Wallace stated that Harris County Municipal Utility District 102 was located on the eastside of Highway 6 at West Little York, the area included in the agreement was for commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Council Members Goldberg and Wiseman absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2004-0572 ADOPTED.

5. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 147** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 147** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 147**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Members Goldberg and Wiseman absent.

Ms. Wallace stated that Harris County Municipal Utility District 147 was located on the southside of Westheimer west of Addicks Clodine, the area included in the agreement was for commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Council Members Goldberg and Wiseman absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2004-0573 ADOPTED.

6. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 150** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 150** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 150**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Member Wiseman absent.

Ms. Wallace stated that Harris County Municipal Utility District 150 was located along Veterans Memorial south of Richey, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Council Member Wiseman absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2004-0574 ADOPTED.

7. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 211** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 211**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Member Wiseman absent.

Ms. Wallace stated that Harris County Municipal Utility District 211 was located north of FM1960 at Northgate Forest, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Council Member Wiseman absent..

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2004-0575 ADOPTED.

8. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 233** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 233** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 233**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Member Wiseman absent.

Ms. Wallace stated that Harris County Municipal Utility District 233 was located along FM1960 at Northgate Forest, the area included in the agreement included commercial property, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD, but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Council Member Wiseman absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2004-0576

ADOPTED.

9. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248** and certain territory located in the vicinity of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Member Wiseman absent.

Ms. Wallace stated that Harris County Municipal Utility District 248 was located at Hempstead Highway and Highway 6, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services within the MUD but would enforce a Fireworks Ban on roadways to be annexed that were not part of the MUD. Council Members Edwards, Wiseman, Garcia and Quan absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Edwards, Wiseman, Garcia and Quan absent. MOTION 2004-0577 ADOPTED.

10. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116** and certain territory located in the vicinity of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Members Edwards, Wiseman, Garcia, Quan and Berry absent.

Ms. Wallace stated that Harris County Municipal Utility District 116 was located on the northside of FM1960 near Champion Forest Drive, the area included in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Council Members Edwards, Wiseman, Garcia and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards, Wiseman, Garcia and Berry absent. MOTION 2004-0578 ADOPTED.

11. PUBLIC HEARING on a proposal for the City of Houston and **KINGSBRIDGE MUNICIPAL UTILITY DISTRICT** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **KINGSBRIDGE MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of **KINGSBRIDGE MUNICIPAL UTILITY DISTRICT**, in Harris County and Fort Bend County, Texas; providing for the publication of notice of such hearings – was called. Council Members Edwards, Wiseman, Garcia and Berry absent.

Ms. Wallace stated that Kingsbridge Municipal Utility District was located on Highway 6 at Bissonnet, the area in the agreement included commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Council Members Edwards, Wiseman, Garcia and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Edwards, Wiseman, Garcia and Berry absent. MOTION 2004-0579 ADOPTED.

12. PUBLIC HEARING on a proposal for the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 20** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 20**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Members Edwards, Wiseman, Garcia and Berry absent.

Ms. Wallace stated that Northwest Harris County Municipal Utility District 20 was located at FM1960 and TC Jester, the area included in the agreement was for commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would not provide any public services within the area annexed for limited purposes. Council Members Edwards, Wiseman, Garcia and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Edwards, Wiseman, Garcia and Berry absent. MOTION 2004-0580 ADOPTED.

13. PUBLIC HEARING on a proposal for the City of Houston and **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1** and certain territory located in the vicinity of **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Members Edwards, Wiseman, Garcia and Berry absent.

Ms. Wallace stated that Reed Road Municipal Utility District No. 1 was located at FM1960 and Jones Road, the area included in the agreement included commercial property, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Council Members Edwards, Wiseman, Garcia and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Edwards, Wiseman, Garcia and Berry absent. MOTION 2004-0581 ADOPTED.

14. PUBLIC HEARING on a proposal for the City of Houston and **WESTLAKE MUNICIPAL UTILITY DISTRICT NO. 1** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **WESTLAKE MUNICIPAL UTILITY DISTRICT NO. 1** and certain territory located in the vicinity of **WESTLAKE MUNICIPAL UTILITY DISTRICT NO. 1**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Members Edwards, Wiseman, Garcia and Berry absent.

Ms. Wallace stated that Westlake Municipal Utility District No. 1 was located along Fry Road north of the Katy Freeway, the area included in the agreement was for commercial property only, there were no residences, the City would levy a one cent sales tax, which it would divide evenly with the MUD, the City would provide no public services to the area within the MUD but would enforce the Fireworks Ban on roadways to be annexed that were not part of the MUD. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs

and Berry absent. MOTION 2004-0582 ADOPTED.

15. PUBLIC HEARING on a proposal for the City of Houston and **CHARTERWOOD MUNICIPAL UTILITY DISTRICT** to enter into an amendment to a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **CHARTERWOOD MUNICIPAL UTILITY DISTRICT**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Ms. Wallace stated that at this time the City of Houston would not proceed with the limited purpose annexation and strategic partnership agreement with Charterwood Municipal Utility District. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent. MOTION 2004-0583 ADOPTED.

16. PUBLIC HEARING on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50** and certain territory located in the vicinity of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, in Fort Bend County, Texas; providing for the publication of notice of such hearings – was called. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Ms. Wallace stated that at this time the City of Houston would not proceed with the limited purpose annexation and strategic partnership agreement with Fort Bend Municipal Utility District No. 50. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent. MOTION 2004-0584 ADOPTED.

17. PUBLIC HEARING on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35**, in Fort Bend County, Texas; providing for the publication of notice of such hearings – was called. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Ms. Wallace stated that at this time the City of Houston would not proceed with the limited purpose annexation and strategic partnership agreement with Fort Bend Municipal Utility District No. 35. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent. MOTION 2004-0585 ADOPTED.

Mayor White stated that even if they were not pursuing something because there was a notice of a hearing they needed to conduct and close the hearing and he had asked the City Secretary to look at some alternative procedures to avoid the wasted time. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

18. PUBLIC HEARING on a proposal for the City of Houston and **GRAND LAKES WATER CONTROL AND IMPROVEMENT DISTRICT** to enter into a Strategic Partnership

Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **GRAND LAKES WATER CONTROL AND IMPROVEMENT DISTRICT**, in Fort Bend County, Texas; providing for the publication of notice of such hearings – was called. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Ms. Wallace stated that at the present time the City of Houston would not proceed with the limited purpose annexation and strategic partnership agreement with Grand Lake Water Control and Improvement District. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Council Member Quan asked Ms. Wallace if on the past ones that they elected not to move forward was there some reason why they were brought forth first and withdrawn later, and Ms. Wallace stated that the Water Control and Improvement District itself withdrew after the Council had already set the public hearing, that it was the similar situation on the others. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Edwards, Wiseman, Sekula-Gibbs and Berry absent. MOTION 2004-0586 ADOPTED.

19. PUBLIC HEARING on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36** to enter into a Strategic Partnership Agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36** and certain territory located in the vicinity of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36**, in Harris County, Texas; providing for the publication of notice of such hearings – was called. Council Members Edwards, Wiseman, Sekula-Gibbs and Berry absent.

Ms. Wallace stated that at the present time the City of Houston would not proceed with the limited purpose annexation and strategic partnership agreement with Harris County Water Control and Improvement District No. 36. Council Members Edwards, Wiseman, Sekula-Gibbs and Berry absent.

Council Member Quan stated that while those hearings had been posted and they had decided not to go forward at this time, would they be pursuing them in the future, were there other plans to continue, what was the situation, and Ms. Wallace stated that they would not be presented to the City Council when they presented the rest of them in June, however, it was possible that they would pursue them in the future. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Wiseman, Sekula-Gibbs and Berry absent. MOTION 2004-0587 ADOPTED.

MAYOR'S REPORT - Briefing on **HOUSTON GALVESTON AREA COUNCIL 2025 TRANSPORTATION PLAN**

Dr. Carol A. Lewis, Associate Professor of Transportation Studies,
Texas Southern University
Alan Clark, Transportation Department Director, HGAC
Metropolitan Planning Organization

Mayor White invited Mr. Alan Clark and Dr. Carol A. Lewis to the Council table for the Mayor's Report, that the Council and the Mayor had gotten excellent input from citizens who had been present publicly and had disseminated materials which they had read diligently, that they had some outstanding Council Members who were represented both on the Council's governing body as well as the Transportation Council and recognized Mr. Clark, the

Transportation Department Director of HGAC Metropolitan Planning Organization and Dr. Lewis, an Associate Professor of Transportation Studies at Texas Southern University, a former METRO Board Member and identified for quite some time as principal advisor of the Mayor on certain long run transportation planning issues, that he welcomed both of them for a brief presentation. Council Members Wiseman and Berry absent.

Mr. Clark and Dr. Lewis reviewed a presentation of the Houston-Galveston area's 2025 Regional Transportation Plan (RTP), a copy of which is on file in the City Secretary's Office for review.

Mr. Clark and Dr. Lewis were questioned at length by Mayor White and Members of Council, and Council Member Lawrence requested that the Regional Transportation Plan be provided in a PDF file for the Council Members, and Council Member Holm asked if they had extra copies of the presentation to share with some of her constituents.

Council Member Galloway moved to suspend the rules to consider Item Numbers 66, 68, 60, 59, 30, 63, 63a, 69, 69a, 70, 27, 40, 41, 50 and 50a out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent. MOTION 2004-0588 ADOPTED.

66. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **C. P. C. MAINTENANCE, INC** for Dry Pit Pump Parts & Repair Services for the Public Works & Engineering Department (as approved by Ordinance No. 99-612) – **(This was Item 45 on Agenda of May 19, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY, GARCIA and GREEN)** – was presented. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that the item was tagged last week because of the MWBE participation, that no response had been given by vendor, that they did not send the contract out for a bid, it expired and terminated, that they put in to extend it based on the fact that a survey was done and they were still lower in the current market price, that they did not know if they had sent it out for bid if someone else would not come in with the same cost factor any way, that she was the Chair of the MWBE Committee and they were continuing to excuse companies who were not reaching their goals, that they could not grow as a City if they did not use their minority contractors so they all could prosper, that she was going to refer the item back to the administration but in good spirit for the City she wanted to offer the following motion to amend Item No. 66:

“To extend contract for a one year extension only”, seconded by Council Member Sekula-Gibbs.

After further discussion by Council Members, a vote was called on the motion to amend Item No. 68. All voting aye. Nays none. Council Members Garcia and Quan absent. MOTION 2004-0589 ADOPTED.

A vote was called on Item No. 66 as amended. Council Members Galloway and Edwards voting no, balance voting aye. Council Members Garcia and Quan absent. ORDINANCE 2004-0496 ADOPTED.

68. ORDINANCE awarding construction contract to **TROY CONSTRUCTION, L.L.P.** for Water Distribution System Rehabilitation and Renewal, providing funding for engineering testing services and contingencies relating to the repair of facilities financed by the Water & Sewer System Operation Fund (WA10633-03) - \$1,600,100.00 - Enterprise Fund – **(This was Item 59 on Agenda of May 19, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY, GARCIA, GREEN, QUAN and KHAN)** – was presented. Council Member Quan absent.

Council Member Galloway stated that once again they had another contractor who fell into the same dilemma and moved to postpone Item No. 68 for one week, seconded by Council Member Ellis.

Council Member Ellis stated that he was curious as to what would happen in one week, that he was not opposing it but was looking at a memo that was sent to all Council Members from Public Works regarding Item No. 68 and also another memo sent to the Agenda Director and was a response from Ms. Velma Laws in regard to Troy Construction and their performance through 2004 and it seemed as though they were working with the Affirmative Action Department. Council Member Berry absent.

Council Member Ellis moved to suspend the rules to hear from Ms. Velma Laws, Director, Affirmative Action Division, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0590 ADOPTED.

Upon questions by Council Members, Ms. Laws stated that they met with Troy Construction in February regarding their participation, they realized that it was going to be an issue for them with the Sewer Point Repair Contract, they did not meet their goals and expressed their concerns, which primarily hinged on safety issues regarding the companies they had, that as it stated in the memo they reminded Troy Construction of the responsibility that if they had companies that they listed and were not able to use that they were required to make a good faith effort to replace those companies, that after their meeting they asked Troy Construction to give them a letter stating their commitment and what they were doing and the copy she gave to Council Members was a copy of that letter, that the letter came to her as a result of their February meeting, that Troy Construction had several contracts that were currently active with the City and as a result of their meeting they had received several requests from Troy Construction, at least four, where they were adding MWBE's to their contracts in order to be able to come closer and meet the goals on the contracts they had, so this was actually a contract where they took a proactive approach when they recognized they had a situation, that historically they had the group of Sewer Point Repair contracts where they had not done well, whereas on others, even some that had cleared this year, they received an outstanding rating, so they were trying to help Troy Construction address the challenges they had with that specific type of contract, that she could go back through the file and pull out any other correspondence that may have transpired between their office and Troy Construction prior to this if that would be helpful, that they had concrete proof of Troy Construction's willingness to take seriously and meet their goals with their adding companies in order to meet their goals, that they were communicating with the City on a regular basis, that regarding contractors who were consistently not meeting their goals currently the City Council gets the information at the request for Council action, that their office notifies the contractor and finds out why they were not successful at meeting their goals, that there were penalties that could be imposed for not reaching their goals but they had not been implemented, that the ordinance allowed them to sanction contractors who had historically not met their goals, however their program was in a holding pattern and they had chosen to try and communicate and work with the companies right now, that regarding the monitoring of MWBE participation, that had been a challenge for them in the past, that they had transferred the function and were conducting an audit of all of the contracts that had been awarded that had MWBE goals since 2000, that they had sent out in the last two months over 400 monitoring letters to get information from contractors that had not been reporting and to start to intervene now, but the biggest thing that they were very excited about was the acquisition of some software which would greatly enhance their efforts to monitor the contracts, that the software would enable them from the point a contract was awarded to begin communicating with contractors immediately, that was for their construction, purchasing and professional services contracts.

After further discussion by Council Members, a vote was called on Council Member Galloway's motion to postpone Item No. 68 for one week. All voting aye. Nays none. MOTION

2004-0591 ADOPTED.

60. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,268,163.26 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-25-3 (4235-13) - 04.89% over the original contract amount – **(This was Item 25 on Agenda of May 19, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY, GREEN, EDWARDS, QUAN and KHAN)** – was presented, moved by Council Member Khan, seconded by Council Member Quan.

Council Member Galloway moved to postpone Item No. 60 for one week, seconded by Council Member Green. All voting aye. Nays none. MOTION 2004-0592 ADOPTED.

59. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,480,149.13 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-18-3 (4257-28) - 02.55% over the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I – ALVARADO** – **(This was Item 24 on Agenda of May 19, 2004, TAGGED BY COUNCIL MEMBERS GREEN and EDWARDS)** – was presented.

Council Member Galloway moved to postpone Item No. 59 for one week, seconded by Council Member Green.

Council Member Khan moved to suspend the rules to hear from Ms. Velma Laws, Director, Affirmative Action Department, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0593 ADOPTED.

Council Member Khan stated that in the letter from the City dated August 27, 2003 which stated that the reason for the MWBE participation of 5.92%, which meant they were 13.08% short, but in the RCA it stated that the actual participation was 13.08% and asked why was there a difference and Ms. Laws stated that there appeared to be an error in the RCA, that they did not prepare the RCA so she would have to investigate that for the Council Members.

After further discussion a vote was called on Council Member Galloway motion to postpone Item No. 59. All voting aye. Nays none. MOTION 2004-0594 ADOPTED.

30. RESOLUTION establishing the policy of the City of Houston to prohibit retaliation against any employee for Good Faith Report of a violation of law to an appropriate law enforcement authority and requesting the Mayor to adopt related procedures – was presented, and tagged by Council Member Wiseman.

Council Member Ellis stated that he agreed with the resolution but was curious about the punishment and moved to suspend the rules to hear from Ms. Connie Acosta, Legal Department, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0595 ADOPTED.

Upon questions by Council Members, Ms. Acosta stated that as to the punishment it was just like if the OIG found any violation of a City ordinance or code or whatever, the department head would then have the discretion to impose discipline in the form and manner consistent with what was appropriate under the circumstances, that it could be all the way to indefinite suspension, termination, that what they would put into place as a result of the policy was an internal procedure whereby an employee who felt there was a violation of the act could go to the OIG and the OIG had a certain designated period of time in which to investigate, that was within the internal procedures that the City would have to operate, that State law required the

employee to go through that internal procedure, that was what they were setting in place in the City because they previously did not have that, that if an employee felt that at some point some adverse action had been taken against them, for example they were denied a promotion, they would go to the OIG and say they were a whistle blower and the OIG would do an investigation and either find or not find in favor of the employee, that went to the director, and suppose the retaliation had been found then the director at that point takes the appropriate action under the circumstances to impose discipline on the employee who was alleged to be the retaliator, that the guidelines were basically a two part procedure, that one was the policy which the City adopted overall, the guidelines they were talking about were virtually amendments to Executive Order 1-39, which was the jurisdiction of the OIG and that was where the specifics were with regard to allowing the OIG to investigate whistle blower claims, giving them the timeframes and so forth, there was no third component, but they could certainly draft one if necessary where they basically outlined for the department directors, because they already had in place a Mayor's policy calling for progressive discipline, so assuming that there was a violation found by the OIG Mayor's Policy 504 would come into affect and the department head would impose appropriate discipline, that what they were proposing was adopting the City policy and then the Mayor amending the Executive Order 1-39, that according to State law it was a violation of any law, plus code of ordinances and those kind of things that rose to the level of the law, that generalized mismanagement was not covered. Council Members Goldberg, Holm and Garcia absent.

Mr. Hall stated that the ordinance did not take away any right that an employee had today, that what it attempted to do was to have in the administrative process of the City a way for an employee who believed they were retaliated against, because they had reported some violation of a law, ordinance, rule or policy the Mayor had, to have it investigated independently so that the department director could take action before they had to go through the expense or trouble of filing a law suit, that it did not attempt to make things illegal that were not illegal today. Council Members Goldberg, Holm and Garcia absent.

After further discussion by Council Members, Council Member Galloway requested that her tag be added to Item No. 30, and Council Member Quan asked if they needed to do the resolution, was it not already addressed by federal law, and Mayor White stated they were adding another procedural remedy separate and apart from bringing action to court, early on, for the employee, and Ms. Acosta stated that all they were doing was establishing their own internal review procedure that State Law allowed them to do. Council Members Lawrence and Holm absent.

63. WRITTEN Motion presented by Council Member Green to amend Section 8-117 (b) of Item 63A below as follows:

Once a towing request has been solicited via police dispatch to a wrecker, the tow service shall be deemed a non-consent tow and services shall remain a non-consent tow under the auspices of the authorizing agency, regardless of the consent of the automobile owner, who is solicited by a wrecker to tow his or her vehicle at the scene – **(TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, WISEMAN, ELLIS and GALLOWAY)** – was presented.

Council Member Green moved to table Item No. 63, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2004-0596 ADOPTED.

63a. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Towing of Vehicles and the Operation of Auto Wreckers; authorizing the Chief of Police to enter into agreements for Police authorized Major Freeway Vehicle Tows, providing for procedures, fees, and other requirements for certain vehicle tows and containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful; providing for severability – **(This was Item 35 on Agenda of May 19, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS, QUAN, ALVARADO, GALLOWAY, HOLM, GARCIA and**

LAWRENCE)

Council Member Wiseman stated that she wanted to thank Mayor White for his efforts and commitment to improving mobility within the City of Houston, that she also wished to thank Mr. Saperstein for his efforts and commitment to improve mobility within the City, that she also wanted to thank Council Member Berry for his involvement in the lengthy process, that she had reviewed the proposed ordinance and had consulted with members of the public and other various interested stake holders and after doing her research and having the understanding that any ordinance that they put forth must not be in conflict with State or Federal statutes, that it was her opinion, after reviewing it, that the proposed ordinance violated the Texas Transportation Code, Sections 545 and 684 and the Texas Local Government Code 316, that the other major area of contention in the proposed ordinance was the inclusion of Section 8127, the Tow Agreement, they conflicted with State statues on it, that it also called for amending Ordinance 45, Section 202.

Council Member Sekula-Gibbs stated that she too would like to thank the Mayor for his leadership on the mobility enhancement package that they were bringing to Council and also Mr. Saperstein for his leadership and also for meeting with her on several occasions, that Houstonians were counting on all of them to develop a towing policy that accelerated mobility and improved public safety and particularly decreases pollution and diminishes the loss of life that occurred on their freeways, that she supported the passage of the ordinance and there was still much work to be done, that she was committed to working with the administration and the towing companies to develop the policy that would help them to keep their City moving safely.

Council Member Green stated that emphasis behind the policy was well thought out and was needed, that his only suggestion to the administration was to please bring in all of the stake holders when it came to the administrative portion of the ordinance, that he was going to support it and thought that what had caused it to linger for so long was that the people who were directly on the street felt that they were not a part of the process, that his concern was that they bring in the wrecker drivers and as well as the regular citizens who were involved in it and get the input from them so that they could make the transition as smooth as possible but also make the implementation of the plan as smooth as possible.

Council Member Goldberg stated that yesterday a 5 year old was killed and he passed out that article and other related articles and thought that one of the objectives of the wrecker ordinance was the safety factor and there were a lot of reasons that there were accidents however they could not dispute the argument that had those vehicles not been stalled on the freeway or parked there while they were changing a tire or had mechanical troubles, those people would not have died, that they had three deaths in the past week, that he could not vote for the ordinance fast enough, that he was not going to vote no on the ordinance, that he appreciated what the Mayor had done and thought they needed to pass the ordinance as fast as possible.

Council Member Goldberg moved to call the question, seconded by Council Member Ellis. A roll call vote was called on Council Member Goldberg motion to call the questions.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting aye
Council Member Holm voting no	MOTION 2004-0597 FAILED

Council Member Edwards asked Mr. Michel if there had been a court rendering or hearing on their ordinance to see if it was legal, and Mr. Michel stated that they had, that what they would do was look at the existing cases and statute and the language of the ordinance to predict if it would stand a challenge and they believed that the case and statutes out there would support the legality of the ordinance, in the Legal Department they had experienced attorneys who had taken a close look at it for quite a while and they had also engaged outside counsel to give them a second opinion and take a look at it and they thought it was supportable, that with ordinances of that nature, where they were affecting the towing industry, they always had risks, they had been challenged in Houston and in other parts of Texas and across the Country, so that risk was not going to go away but they believed it was supportable, that they were also going to continue to monitor it, and were going to have an opportunity to monitor it because during the segmenting process and the implementation they had the ability to obtain more facts and determine whether the ordinance should be tweaked or the implementation or the RFP should somehow be changed in a manner to minimize risk, that it was their opinion that the ordinance was supportable. Council Member Khan absent.

Council Member Galloway stated that she had a problem with the ordinance because of the cost factor involved in it and offered the following written amendment.

“Please let this written interoffice correspondence serve as an amendment to the proposed Ordinance amending the Code of Ordinances, Houston, Texas, relating to the Towing of Vehicles and the Operation of Auto Wreckers, etc. (Also known as the “Tow Truck Ordinance and the or the Mobility Ordinance(s)).

Because I represent constituents who cannot afford to pay any costs associated with the non-consent towing of their disabled vehicles on the service lane area of the freeway and because the proposed “Tow Truck Ordinance” will disproportionately impact those constituents , I would like to amend the amendment to the ordinance to:

Render exempt and/or waive any and all costs associated with the non consent towing of a disabled vehicle that has been caused to and or rests within the geographic region classified as “the service lane” area of the freeway. Exemption from and/or waiving of said fee shall include but not be limited to exemption from and/or waiver of all fines, fees, penalties and/or any other similar costs associated with a non-consent towing and/or storage of the disabled vehicle in the service lane”, seconded by Council Member Wiseman. Council Members Edwards and Sekula-Gibbs absent.

Council Member Wiseman stated that with respect to the cost of having roadside assistance, everyone had a drivers license and if they turned the license around there was an 800 number they could call to have roadside assistance. Council Members Edwards and Sekula-Gibbs absent.

Council Member Quan stated that he commended Mayor White and the efforts of Mr. Saperstien and others to try to address a very important issue, safety obviously was paramount and while Council Member Goldberg had passed out the articles they could see on the very front part of the article that the trooper said that the mother’s cell phone conversation led to the tragedy, there were a lot of people not paying attention when they were driving on the roads, that he was concerned about input by all groups and appreciated the Mayor efforts to expand the ordinance to allow more input in the second phase after they passed the first phase, that he had talked to some of the companies and they certainly appreciated the fact they would have a voice in dividing up the freeways and things of that nature, that his main concern dealt with the shoulders and people who were out of the lane, they were not blocking traffic and not in any way violating anything, being able to just fix their cars and then moving on, that they had the MAP program and had other programs as Council Member Wiseman mentioned, that a number of them were members of an auto club, that all of that would be obviated when they were not even blocking traffic or impeding the flow of traffic, that he did not know if they would have an

opportunity to include that in any future discussion.

Mayor White stated that first, yes the procedure that was envisioned and the policy of the administration in implementing the ordinance will account for the participation of auto clubs, that second, the people who had no funds that parked in the shoulder, certainly that was an issue that should and must be addressed about where there was a very short tow, that they were not locked into the \$50 rate but there may be a way to provide additional relief, that because of the input from Council Members one thing that would be explored was a clear obligation by the tow and of how people could have the right to have the tow truck change their tire when they were towed to the feeder street or somewhere close, that none of them wanted to do something that would impose a hardship on the public but did want to take into account the public safety.

Council Member Green moved to suspend the rules to remain in session beyond the scheduled noon recess until 12:45 p.m., seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2004-0598 ADOPTED.

Council Member Khan stated that the issue did raise a lot of questions particularly what was going to happen to the small business, that it had been addressed to a great extent about the MWBE participation, that the question was raised whether it violated any anti trust laws and his understanding from listening to Mr. Michel was that they did not, that change was always uncertain and apprehensive but sometimes change was required, that he thought the number one issue was the safety issue. Council Member Sekula-Gibbs absent.

Council Member Wiseman stated that with respect to the safety issue the State required them to provide a traffic study to serve as the legislative basis for the Council action and they did not have that, that they did not have the basis to pass the ordinance, it would be challenged. Council Member Sekula-Gibbs absent.

Council Member Garcia stated that there had been a tremendous amount of discussion on the ordinance, that he had been looking at the concerns that had been expressed to him particularly by folks of moderate income and there was concern of a breakdown, that he implored the administration to make sure that as they moved forward all of the other frameworks for what was the ordinance seemed to be in place but to make sure they did not lose sight of the fact that they had a lot of folks living paycheck to paycheck on the streets of Houston and they may end up victims of circumstance in regards to what was the concept of the mobility ordinance, on the other side of that was that the ordinance by virtue of the articles that Council Member Goldberg had shared with them and others there was a need to have some oversight on the freeways 24 hours, 7 days a week.

Council Member Berry stated that one of the frustrations of meeting as a Council was that they never had enough time to talk about all the issues they would like to but with all due respect he thought they had spent a lot of time on the issue, that he thought they knew where they were and moved to call the question on the proposed motion to amend Item no. 63a, seconded by Council Member Ellis. Council Member Wiseman voting no, balance voting aye. MOTION 2004-0599 ADOPTED.

A roll call vote was called on Council Member Galloway's motion to amend Item No. 63a.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting aye	Council Member Ellis voting no
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no

Council Member Holm voting no

MOTION 2004-0600 FAILED

Council Member Galloway stated that she had a written motion to amend Item No. 63a as follows:

“Please let this written interoffice correspondence serve as an amendment to the proposed Ordinance amending the Code of Ordinances, Houston, Texas, relating to the Towing of Vehicles and the Operation of Auto Wreckers, etc. (Also known as the “Tow Truck Ordinance, and the Mobility Ordinance(s).

I would like to amend Division 2 section 8-117 (a) as follows:

(a) Whenever a motor vehicle registered with the State of Texas had been towed without the consent of the vehicle owner but upon authorization of a law enforcement officer acting in his official capacity, the responsible law enforcement agency must ~~shall endeavor~~ give notice by certified ~~regular~~ mail to the last known registered owner within 24 ~~48~~ hours of the time the vehicle was towed. The notice shall inform the vehicle owner of the name and address of the storage lot where the vehicle is being held.”

After discussion by Council Members, Council Member Ellis moved to call the question on Council Member Galloway’s motion to amend Item No. 63. All voting aye. Nays none. MOTION 2004-0601 ADOPTED.

A roll call vote was called on Council Member Galloway’s motion to amend Item No. 63a.

ROLL CALL VOTE:

Mayor White voting no

Council Member Lawrence voting no

Council Member Galloway voting aye

Council Member Goldberg voting no

Council Member Edwards voting no

Council Member Wiseman voting aye

Council Member Khan voting no

Council Member Holm voting no

Council Member Garcia voting no

Council Member Alvarado voting no

Council Member Ellis voting no

Council Member Quan voting no

Council Member Sekula-Gibbs voting no

Council Member Green voting aye

Council Member Berry voting no

MOTION 2004-0602 FAILED

Council Member Alvarado moved to call the question on Item No. 63a, seconded by Council Member Sekula-Gibbs. Council Members Galloway and Wiseman voting no, balance voting aye. MOTION 2004-0603 ADOPTED.

A roll call vote was called on Item No. 63a.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting no	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting aye	ORDINANCE 2004-0497 ADOPTED

69. MOTION by Council Member Berry, seconded by Council Member Alvarado to substitute a revised ordinance for Item 69A below – was presented. Council Members Galloway and Berry absent.

Council Member Green moved that Item No. 69 (proposed substitute ordinance) be amended as follows:

by deleting the fourth sentence of Section 40-371 in its entirety and substituting therefore the following sentence:

If the fee is increased, it may be increased only by the documented additional cost to administer and enforce this program., seconded by Council Member Alvarado. Council Members Galloway and Berry absent.

Mayor White stated that the administration supported the amendment. Council Members Galloway and Berry absent.

A vote was called on the motion to amend Item No. 69, (proposed substitute ordinance). All voting aye. Nays none. Council Members Galloway and Berry absent. MOTION 2004-0604 ADOPTED.

Council Member Green stated that he had another amendment for Item No. 69, that it was to Section 10 of the same ordinance, the last sentence, where it said “that there exists a public emergency requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor, therefore this ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the 180th day next following the date of its passage and approval by the Mayor”, that he would move “to substitute 180th day with the 90th day”, seconded by Council Member Alvarado. Council Members Galloway and Berry absent.

Mayor White stated that the prior motion to amend Item No. 69 (proposed substitute ordinance) had carried and now Council Member Green had made an additional motion to reduce the timeframe limitation and the administration was in support of the amendment. Council Members Galloway and Berry absent.

A vote was called on Council Member Green’s second motion to amend Item No. 69 (proposed substitute ordinance). Council Member Wiseman voting no, balance voting aye. Council Members Galloway and Berry absent. MOTION 2004-0605 ADOPTED.

A vote was called on Item No. 69 to substitute a revised ordinance for Item 69a as amended. Council Member Wiseman voting no, balance voting aye. Council Members Galloway and Berry absent. MOTION 2004-0606 ADOPTED.

- 69a. ORDINANCE relating to Impairments and Obstructions of Roadways and Sidewalks; **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, and containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability – **(This was Item 67 on Agenda of May 19, 2004, POSTPONED BY MOTION**

#2004-552) – was presented as substituted. Council Member Wiseman voting no, balance voting aye. Council Members Galloway and Berry absent. ORDINANCE 2004-0498 ADOPTED.

70. ORDINANCE approving and authorizing second amendment to the Master Agreement for the acquisition of Microtechnology Hardware and Software Products and associated services between the City of Houston and **TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR)** to allow the City to use DIR's GoDIRect Program to add products and services and to streamline the procurement process – **(This was Item 75 on Agenda of May 19, 2004, POSTPONED BY MOTION #2004-558)** – was presented. Council Member Galloway absent.

Council Member Edwards stated that she wanted to be clear on the pilot program aspect that they talked about with Mr. Lewis, was it going to be a part of the process because it was not in the ordinance. Council Member Galloway absent.

Council Member Edwards moved to suspend the rules to hear from Mr. Richard Lewis, IT Department, at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0607 ADOPTED.

Mr. Lewis stated that he had suggested to Council Member Edwards that he would like to focus on the competition between DIR and TPC first, provide that to Council and then if there was an interest in providing additional competition using their own Purchasing Department they would be glad to do that as part of the pilot, that he suspected that most of the vendors that would participate with TPC would be vendors that would participate directly with the City's Purchasing Department, but they would be glad to do that, and Council Member Edwards stated that she would prefer that it be open and not just limited to two people, that she did not want it to be looked at as an ordinance that was targeting or picking out one particular vendor, that she was speaking to the whole process of competition. Council Members Galloway and Holm absent.

Council Member Ellis stated that it would be open to all vendors, that was kind of the concept, that at present DIR could not bid on the networking and professional services, and Mr. Lewis stated that was correct, and Council Member Ellis stated that it was TPC's portion of it and the amendment to the contract would afford Go Direct (DIR) the opportunity to go and compete for the networking and professional services, but on the other hand they were also opening up the hardware and the software so that TPC could compete for that business as well and Mr. Lewis stated that was correct, the latter would require an amendment to that contract but they were prepared to do that based on the results of the pilot. Council Members Galloway and Holm absent.

Council Member Khan asked of the pilot program they were talking about was there a dollar limit, and Mr. Lewis stated no, that what he planned to do was pick five or six procurements, be sure that it was fair to both parties, and then execute the procurement and they were probably going to get multiple folks from DIR vendors as well as TPC vendors, and Council Member Khan requested that in the pilot program that they had a dollar limit of \$100,000 so that it could have MWBE participation goals addressed in it, and Mayor White asked Mr. Lewis to address that issue. Council Member Galloway absent.

Mr. Lewis stated that the \$100,000 threshold would limit them a little bit in terms of the buys that they could use for the pilot but their general practice was where there had been MWBE capacity they established a goal on those, even if they happened to be under \$100,000, that in the past there had been goals established for procurements that were less than \$100,000, where there was a significant amount of capacity, not legally required, that was just what happened in the past, and Council Member Khan stated that he would like to see that MWBE participation was being considered. Council Member Galloway absent.

A vote was called on Item No. 70. Council Member Wiseman voting no, balance voting aye. Council Member Galloway absent. ORDINANCE 2004-0499 ADOPTED.

27. **TASER INTERNATIONAL, INC** for 15 Taser Stun Guns and Associated Supplies for Houston Police Department - \$42,027.75 - Police Special Services Fund – was presented, moved by Council Member Ellis, seconded by Council Member Alvarado, and tagged by Council Member Wiseman. Council Member Galloway absent.

Council Member Alvarado moved to suspend the rules to consider Item No. 67 at this time, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0608 ADOPTED.

67. ORDINANCE approving and authorizing first amendment to joinder agreement between the City of Houston and **HOUSTON MCLANE COMPANY, INC** for the Major League Baseball All-Star Game - \$78,800.00 - Enterprise Fund – **(This was Item 47 on Agenda of May 19, 2004, TAGGED BY COUNCIL MEMBERS EDWARDS and GOLDBERG)** – was presented. Council Member Galloway absent.

Mayor White stated in response to various points made by Council Members, there had been a lot of work to try and minimize the City contribution that they would need in order to obtain \$492,500 in improvements downtown, that so far half of \$78,800 had been offered by private sources, that certain non profit organizations would have taken responsibility for making sure that one of the aspects of the program, planting trees to make the areas around the stadium and the thoroughfares leading up to it were executed, well and in a timely manner, of the amount of money used there was about \$50,000 that would be used for barricades, street closures and EMT's, some of the necessary expenditures that they had to do with security of the All Star Game. Council Members Galloway, Wiseman and Berry absent.

After further discussion by Council Members a vote was called on Item No. 67. Council Member Edwards voting no, balance voting aye. Council Members Galloway, Wiseman and Berry absent. ORDINANCE 2004-0500 ADOPTED.

40. ORDINANCE approving and authorizing interlocal agreements with the **METROPOLITAN TRANSIT AUTHORITY** and **WALLER COUNTY**, and contract between the City of Houston and **MONTGOMERY COUNTY FIRE CHIEF'S ASSOCIATION** for Projects associated with the Houston Interoperability Initiative - \$390,562.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Galloway, Holm and Berry absent. ORDINANCE 2004-0501 ADOPTED.

41. ORDINANCE appropriating \$75,000.00 out of Police Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **RCC CONSULTANTS, INC** for the Project Management and Engineering Services associated with the Houston Interoperability Initiative - \$225,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Galloway, Holm and Berry absent. ORDINANCE 2004-0502 ADOPTED.

50. ORDINANCE approving and authorizing interlocal agreement between the City and **HARRIS COUNTY** for funding related to the Construction of Cambridge Street Bridge over Brays Bayou from Holcombe Boulevard to North Braeswood Boulevard and accepting \$3,400,000.00 from Harris County and depositing such funds into the Harris County Construction Fund; CIP N-0720-01-2 (SB9172) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Galloway, Holm and Berry absent. ORDINANCE 2004-0503 ADOPTED.

- 50a. ORDINANCE appropriating \$735,071.00 out of Harris County Construction Fund and

approving and authorizing professional engineering services contract between the City of Houston and **SADEGHPOUR & ASSOCIATES, INC D/B/A SCIENTECH** for Design of Cambridge Street Bridge and Paving from Holcombe Boulevard to North Braeswood Boulevard, CIP N-0720-01-2; providing funding for contingencies relating to the construction of facilities financed by the Harris County Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Galloway, Holm and Berry absent. ORDINANCE 2004-0504 ADOPTED.

Council Member Edwards stated that she wanted to thank Public Works and Mr. Grojoske for meeting with them for over two and a half years on the project, and would like to thank the Mayor for his intervention, that the community had been awesome in the effort. Council Members Galloway, Holm and Berry absent.

CONSENT AGENDA NUMBERS 20 through 56

MISCELLANEOUS - NUMBERS 20 through 22

20. CONFIRMATION of the appointment of the following to the **CIVIC ART COMMITTEE**, with terms to expire on January 1, 2006:
Position Six - **MS. SUSAN YOUNG**
Position Seven - **MR. CHRIS HAGENEY**
- was presented, moved by Council Member Ellis, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway and Holm absent. MOTION 2004-0609 ADOPTED.
22. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Fire Station 27, CIP C-0072-01-3 - **DISTRICT H - GARCIA** - was presented, moved by Council Member Ellis, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway and Holm absent. MOTION 2004-0610 ADOPTED.

PROPERTY - NUMBER 26

26. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY2-145, located at 10131 Tanner Road, owned by Svabic Vejislav, for the **TANNER ROAD PAVING PROJECT from Gessner Road to Campbell Road**, CIP N-0589-02-1 **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Ellis, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway and Holm absent. MOTION 2004-0611 ADOPTED.

PURCHASING AND TABULATION OF BIDS – NUMBERS 28 and 29

28. **AMEND MOTION #2001-579, 6/6/01, TO EXTEND** expiration date from June 6, 2004 to June 5, 2005, for Laboratory Equipment for Police and Public Works & Engineering Departments, awarded to **HACH** - was presented, moved by Council Member Ellis, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway and Holm absent. MOTION 2004-0612 ADOPTED.
29. **MUSTANG CAT, LTD.** - \$113,320.00 and **CRESCENT MACHINERY COMPANY** - \$127,744.00 for Loaders and Excavators for Various Departments - Enterprise and Equipment Acquisition Consolidated Funds - was presented, moved by Council Member Ellis, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway and Holm absent. MOTION 2004-0613 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 31 through 56-22

31. ORDINANCE canvassing the returns of the City of Houston Special Election held on May 15, 2004, for the purpose of submitting to the qualified voters of the City of Houston, Texas a proposition to exempt the City of Houston and the Pension Systems funded by the City from certain provisions of the Texas Constitution relating to benefits provided by such Pension Systems; making various findings and provisions related to the subject; counting the votes cast; declaring the official results of the Special Election; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0505 ADOPTED.
33. ORDINANCE consenting to the addition of 6.0285 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120**; for inclusion in its district – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0506 ADOPTED.
34. ORDINANCE establishing the north and south sides of the 1000 Block of East 7th ½ Street, the north side of the 1100 Block of East 7th ½ Street, and the north and south sides of the 1000 Block of East 7th Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0507 ADOPTED.
36. ORDINANCE establishing the north and south sides of the 800 and 900 Blocks of West Cottage Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0508 ADOPTED.
38. ORDINANCE approving and authorizing lease agreement between the City of Houston and **EXPRESSJET AIRLINES, INC** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0509 ADOPTED.
39. ORDINANCE approving and authorizing lease agreement between the City of Houston and **WATERBURY PROPERTIES, L.L.C.** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0510 ADOPTED.
42. ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and **TEXAS DEPARTMENT OF PUBLIC SAFETY (DPS)** for DPS' participation in the Major Accessory Shop Enforcement/13 Grant Program – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0511 ADOPTED.
47. ORDINANCE appropriating \$171,300.86 out of Water & Sewer System Consolidated Construction Fund and \$219,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund; approving and authorizing Developer Participation Contract between the City of Houston and **GATEWAY LAND DEVELOPMENT/COURT RD., L.P.**, for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Eight of the Ridgemont Subdivision, CIP S-0800-D1-03 and R-0800-D1-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0512 ADOPTED.
48. ORDINANCE appropriating \$19,235.60 out of Water & Sewer System Consolidated Construction fund and approving and authorizing developer participation contract

between the City of Houston and **FAIRBANKS BUSINESS PARK, LTD** for Construction of Water Lines to Serve their development along Highway 290 Frontage Road; CIP S-0802-21-03 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0513 ADOPTED.

52. ORDINANCE appropriating \$5,000,000.00 out of Series E Commercial Paper Metro Projects Fund, \$3,000,000.00 out of Storm Sewer Consolidated Construction Fund, \$1,155,186.27 out of Street & Bridge Consolidated Construction Fund and \$1,518,361.22 from Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Ella Boulevard from Pinemont to West Little York Road; GFS N-0546-01-3 (SB9046); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund, the Storm Water Consolidated Construction Fund, the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0514 ADOPTED.
53. ORDINANCE appropriating \$2,156,000.00 out of Airports Improvement Fund, CIP A-0141, awarding construction contract to the **GONZALEZ GROUP LLC** for Interim Security Offices at William P. Hobby Airport/Houston (HOU), Project No. 417L; providing funding for contingencies relating to construction of facilities financed by such funds - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0515 ADOPTED.
54. ORDINANCE appropriating \$630,000.00 out of Airports Improvement Fund, CIP A-0402, awarding construction contract to **PARALLAX BUILDERS, INC** for ADA Renovations at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport/Houston (HOU), and Ellington Field (EFD), Project No. 454; providing funding for contingencies relating to construction of facilities financed by such funds - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0516 ADOPTED.
55. ORDINANCE appropriating \$2,021,453.00 out of Airports Improvement Fund, CIP A-0489, awarding construction contract to **W. W. WEBBER INC** for Wright Road Extension and Miscellaneous Work for USPS Building at George Bush Intercontinental Airport/Houston (IAH), (Project No. 610); providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Galloway and Holm absent. ORDINANCE 2004-0517 ADOPTED.
56. ORDINANCE Nos. 2004-432 through 2004-453 passed second reading May 19, 2004
ORDINANCES (22 separate ordinances) granting the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions, to the following: - **THIRD AND FINAL READING**
- 56-1 Affordable Environmental Services - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0431 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-2 All Star Roll-Offs, L.P. - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0433 ADOPTED THIRD AND FINAL READING IN FULL.

- 56-3 3CI Complete Compliance Corporation - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0434 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-4 Cherry Industrial Services, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0435 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-5 Chief Consulting Services - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0436 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-6 Clean Harbors Environmental Services, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0437 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-7 Coal City Cob Company - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0438 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-8 Columbia Environmental Services, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0439 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-9 Commercial Care Services, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0440 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-10 D'HAWK Grease Trap Company - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0441 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-11 Empire Waste, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0442 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-12 GTM Services, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0443 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-13 Intergulf Corporation - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0444 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-14 January Transport, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0445 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-15 Jefferson Trash Service - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0446 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-16 NP Vacuum Service - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0447 ADOPTED THIRD AND FINAL READING IN FULL.

- 56-17 Public Sanitary Works, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0448 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-18 Rowell Investments, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0449 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-19 Texas Contract Construction, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0450 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-20 The Groce Company, Inc - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0451 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-21 Tommy Miles Garbage Service - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0452 ADOPTED THIRD AND FINAL READING IN FULL.
- 56-22 XKLEN Corporation - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0453 ADOPTED THIRD AND FINAL READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

23. RECOMMENDATION from Chief of Police for Injury on Duty Status for Police Officer **JULIO BUTRON** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado.

Council Member Quan stated that he commended the Police Department, that for the first time they had given them the item in a timely manner and he appreciated that. Council Members Galloway, Holm and Ellis absent.

A vote was called on Item No. 23. All voting aye. Nays none. Council Members Galloway, Holm and Ellis absent. MOTION 2004-0614 ADOPTED.

ACCEPT WORK

24. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$845,972.00 and acceptance of work on contract with **JERDON ENTERPRISE, L.P.** for Renovation of Mecom Fountain, GFS D-0113-03-3 - 02.06% over the original contract amount **DISTRICT D – EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Edwards. All voting aye. Nays none. Council Members Galloway, Holm and Ellis absent. MOTION 2004-0615 ADOPTED.
25. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,146,968.56 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program - Phase II, Bid Package 5 - Linkwood and Oak Forest Parks, GFS F-0363-05-3 - 07.78% over the original contract amount - **DISTRICTS A - LAWRENCE and C - GOLDBERG** - was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council

Member Goldberg. Council Members Galloway and Ellis absent.

RESOLUTIONS AND ORDINANCES

32. ORDINANCE approving and authorizing supplemental Agreement No. 1 to Park and Recreation Lease No. DACW64-1-82-60, Cullen Park, Buffalo Bayou and Tributaries Flood Control Project, Addicks Dam between the **SECRETARY OF THE ARMY**, as owner, and the City of Houston, as lessee, deleting 2,264.46 acres, more or less, from the leased area; containing findings and other provisions related to the subject - **DISTRICT A – LAWRENCE** – was presented. Council Members Galloway and Ellis absent.

Council Member Goldberg stated that he was going to tag the item, that they had a lease with the Army Corp of Engineers on the property and understood they were giving it to the County until the year 2047, if they did not have any clear plans of what they were going to do with it he would like to get an idea of what the County intended to do, and Mayor White stated that they could show Council Member Goldberg both the portions covered by the item in the County's plans and also the portions of Cullen Park which were being looked at and considered for the soccer fields, that they would get information to him. Council Members Galloway and Ellis absent.

35. ORDINANCE establishing the north and south sides of the 600, 700 and 900 Blocks and the south side of the 800 Block of West Temple Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0518 ADOPTED.

37. ORDINANCE establishing the east and west sides of the 1800 Block of Columbia Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0519 ADOPTED.

43. ORDINANCE authorizing payment to the **UNITED STATES INTERNAL REVENUE SERVICE** of Arbitrage Rebates of no more than \$107,095.00 relating to the General Obligation Commercial Paper Series B, issued January 20, 2000 – was presented. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0520 ADOPTED.

44. ORDINANCE approving and authorizing Professional Litigation Support Services Contract between the City of Houston and **RYDER SCOTT COMPANY, L.P.** for Professional Litigation Support Services Contract - \$100,000.00 - Enterprise Fund - was presented, and tagged by Council Member Wiseman.

Council Member Goldberg asked if the \$100,000 was going to carry them through the trial and all the appeals, how far would it take them or would the Legal Department require more money for the item, and Mayor White requested Mr. Michel to address the item, and Mr. Michel stated that it was for litigation support so it was anticipated that it would cover through trial and that was what they would need those services for, they did not anticipate coming back for additional services based on what they knew. Council Member Galloway absent.

45. ORDINANCE approving and authorizing first amendment to agreement between the City and **KPMG, LLP** for Professional Auditing Services – was presented.

Council Member Khan stated that on this contract also the contractor did not meet the MWBE goals, there was a 25% goal and they only achieved 18.8%, that for a company of that stature to not meet their goal was very disturbing. Council Member Galloway absent.

Council Member Green moved to stay in session until 1:15 p.m., seconded by Council Member Khan. Council Member Wiseman voting no, balance aye. Council Member Galloway absent. MOTION 2004-0616 ADOTPED.

A vote was called on Item No. 45. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0521 ADOPTED.

46. ORDINANCE awarding contract to **SCHINDLER ELEVATOR CORPORATION** for Elevator and Escalator Maintenance Services for Convention & Entertainment Department; providing a maximum contract amount - 3 Years with two one-year options - \$2,886,181.47 - Enterprise Fund **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway absent. Mayor White and Council Member Galloway absent. ORDINANCE 2004-0522 ADOPTED.
49. ORDINANCE appropriating \$258,611.00 out of General Improvements Consolidated Construction Fund as an additional appropriation for the Project Management Services contract with **SUNLAND ENGINEERING COMPANY** (approved by Ordinance No. 03-0331), CIP D-0113-01-5 3 Years with two one-year options - \$2,886,181.47 – was presented. All voting aye. Nays none. Council Member Galloway absent. Mayor White and Council Member Galloway absent. ORDINANCE 2004-0523 ADOPTED.
51. ORDINANCE appropriating \$3,798,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a fifth amendment to an Engineering and Program Management Services Contract between the City and **LOCKWOOD ANDREW & NEWNAM, INC** for the Surface Transmission Program (SWTP); CIP S-0900-01-02 (WA10448) **DISTRICTS B - GALLOWAY; D - EDWARDS and F - ELLIS** – was presented. All voting aye. Nays none. Council Member Galloway absent. Mayor White and Council Member Galloway absent. ORDINANCE 2004-0524 ADOPTED.

NON CONSENT AGENDA - NUMBER 57

PROPERTY

57. RECOMMENDATION from Director Department of Public Works & Engineering, **TO AMEND MOTION #2004-98, 1/28/04 and #2004-100, 1/28/04, TO APPOINT** two replacement appraisers and one alternate real estate appraiser for the following parcels: - was presented.

Parcel SY4-023

Utility Easement

2400 block Charleston

DISTRICT D - EDWARDS

Parcel SY3-019

Excess Scott Street right of way

1800 Scott Street

DISTRICT I - ALVARADO

Council Member Edwards presented a written recommendation to name Mr. John Chambless and Ms. Sheila Stewart as replacement appraisers and Mr. George Coleman as alternate appraiser, and Council Member Alvarado presented a written recommendation to name Ms. Lynette Fornerette and Ms. Vanessa Hendrickson as replacement appraisers and Ms. Julie Nagel as alternate appraiser, and Council Member Alvarado moved the recommendation, seconded by Council Member Edwards. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0617 ADOPTED.

MATTERS HELD - NUMBERS 58 through 65

58. MOTION by Council Member Quan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of

final contract amount of \$1,131,166.55 and acceptance of work on contract with **SILVA, INC** for Construction of Generic Overlay Program (Package I), GFS N-1037-22-3 (OL2022) - 04.18% under the original contract amount - **DISTRICT C – GOLDBERG – (This was Item 23 on Agenda of May 19, 2004, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Goldberg moved to postpone Item No. 58 for one week, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2004-0618 ADOPTED.

61. **HOUSTON TURF EQUIPMENT** for Mowers for Parks & Recreation Department - \$63,750.00 Equipment Acquisition Consolidated and Parks Special Revenue Funds – **(This was Item 27 on Agenda of May 19, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Alvarado, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0619 ADOPTED.
62. **HOUSTON-GALVESTON AREA COUNCIL** for Tractors through the Interlocal Agreement for Cooperative Purchasing for Parks & Recreation Department - \$69,241.08 - Equipment Acquisition Consolidated Fund – **(This was Item 28 on Agenda of May 19, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Alvarado, seconded by Council Member Ellis. Council Member Wiseman voting no, balance voting aye. Council Member Galloway absent. MOTION 2004-0620 ADOPTED.
64. ORDINANCE approving and authorizing contract between the City of Houston and **INNOVATIVE INTERFACES, INC** for an Integrated Library System; providing a maximum contract amount 3 Years - \$1,048,806.00 - HALAN Fund – **(This was Item 43 on Agenda of May 19, 2004, TAGGED BY COUNCIL MEMBERS HOLM, BERRY and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0525 ADOPTED.
65. ORDINANCE approving and authorizing contract between the City of Houston and **ePLUS DOCUMENT SYSTEMS, INC** for Imaging Software License Upgrade, Support and Professional Services for the Planning & Development Department; providing a maximum contract amount \$385,592.50 - Building Inspection Funds – **(This was Item 44 on Agenda of May 19, 2004, TAGGED BY COUNCIL MEMBERS HOLM and GARCIA)** – was presented. All voting aye. Nays none. Council Members Galloway and Berry absent. ORDINANCE 2004-0526 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg stated that the Pension Board was having an election for three members, that positions 3, 4 and 10 were open and they had to be nominated by June 4, 2004 and he would encourage City employees to encourage candidates who they think ought to be nominated. Council Members Galloway, Holm, Ellis, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that Fire Station 3 was recently opened and during the renovation, while it was closed, they stored items and they had not gotten all of the items back, that he would like to find out what the policy was on firefighters storing their equipment when the stations were being redone. Council Members Galloway, Holm, Ellis, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that the Westpark Tollway eastbound was going to be closed going to the Southwest Freeway, that he would like to see if someone from Public Works could form a taskforce to study what the Tollway Authority was doing when they changed their plans or design, that it affected traffic somewhere else, and Mayor White stated that he would

ask Mr. Saperstein and his office to look at that, that he had talked to the County Judge about that intersection of Westpark and Loop 610. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs and Berry absent.

Council Member Wiseman stated that it was such a disappointment that they had passed an ordinance that without a doubt would be legally challenged, and certainly hoped that there had been sufficient money budgeted in the next fiscal year for litigation. Council Members Lawrence, Galloway, Holm, Alvarado, Ellis, Sekula-Gibbs and Berry absent.

Council Member Wiseman stated that she was concerned that people would express frustrations to the point of wanting to dismiss the rules under which they operate, that Roberts Rules of Order was put forth for specific reason, that in their Code of Ordinances they were required to operate under Roberts Rules of Order. Council Members Lawrence, Galloway, Holm, Alvarado, Ellis, Sekula-Gibbs and Berry absent.

Council Member Green stated that there was a cleanup last weekend at Emancipation Park, that he thought it was a good start with what needed to happen in the neighborhood, that he was glad to participate in it. Council Members Lawrence, Galloway, Holm, Alvarado, Ellis, Sekula-Gibbs and Berry absent.

Council Member Green stated that his intern, Mr. Kassaye B. Kassaye, who had been with them from the Texas Legislative Internship Program through Senator Rodney Ellis's office, would be leaving them, that he was chosen to participate in another internship called the People to People Fellowship which would be in Ethiopia in the summer, that he would be working with the Ethiopian Government and two private corporations, dealing with the AIDS epidemic in the country. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to thank Mr. Clark and Dr. Lewis for coming out and explaining the Regional 2025 Plan. Council Members Lawrence, Galloway, Wiseman, Holm, Ellis, Sekula-Gibbs and Berry absent.

Council Member Green stated that the 31st anniversary of the Juneteenth Festival Parade would be on Saturday, June 19, 2004 and would like to invite all his colleagues to participate in the parade and the other events that would be going on that weekend. Council Members Lawrence, Galloway, Wiseman, Holm, Ellis, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she thought it was the height of arrogance for people to chastise and then leave the Council Chambers, that as to the remarks that she made regarding Roberts Rules of Order she was not a person that had problems with law and order or protocol, but when that protocol became an instrument to being an obstruction to the process she had a problem with that, that she would like to suggest that they all use the policies and processes that would move stuff forward. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that regarding the towing ordinance, her vote did not reflect her lack of concern for public safety. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she needed advise from the Mayor's office, that she thought they were going to have a lot of comments about the new radio towers that were being proposed in District D and in District B close to the HEC center, that again they had progress clashing with quality of life issues and she would suggest that they be proactive as opposed to waiting for the constituents to come to them and complain about it, that she would like to know who to talk to about it and what committee it was going to come through. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that the issue regarding a lot of the State ordinances, she knew that the Legislature started in January and she had three things that she had been told would need State laws to help deal with, that she suggested that they monitor all development in the area known as Freedman's Town, which had been designated historical preservation, that she would like to see them have the same type of ordinance that protected the Alamo and the San Jacinto Battlefield, or a type of ordinance like that to protect Freedman's Town. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she would like to see an ordinance that dealt with how they acquired and distributed land through what they called LARA, to look at an ordinance similar to what they had in Dallas that afforded the City of Dallas to work more proactively with their land banking efforts. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she appreciated the All Star Game and loved sports but would like an ordinance that would give them more leeway on how they could use those monies, but at the end of the day all pro athletes or the majority of pro athletes in the Country came through the public system, either high school, college or junior college or some type of system, so she did not see why they could not use those monies to further that whole partnership. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that they had asked Council Member Goldberg if he would take a look and decide if his committee could proceed on the radio towers. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that they had a very good meeting in his office with Mr. Fontaine and some former staff last week and wanted to thank Mr. Fontaine for being the gentleman that he was. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that his position with the cell towers was that the neighborhood immediately around it, that it flooded and the ditches were not maintained by either the City or the County, that they were doing nothing about the flooding conditions that may be driven by the concrete slab, that he would like for them to keep it in mind. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he wanted to thank his colleagues for allowing Lt. Hall for coming before them yesterday to give them a briefing on the Marine deployment of Houston residents that were leaving for Iraq next week, that on Sunday there would be a candlelight vigil for the soldiers in Iraq and their families and would be held in front of the City Hall reflection pond, that he wanted to thank all those involved in the organizing of the vigil. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he wanted to thank the Houston Police Department Auto Dealers Unit, along with Ms. Marlene Gafrick, Planning Department, that they had a long standing nuisance business in the district which apparently had been going on for about three years and the neighborhood was being frustrated every Sunday as a live auto auction was being held in the neighborhood and thanks to some initiative on those two units the community finally enjoyed a very quite Sunday with the auto auction gone. Council Members Lawrence, Galloway, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that a couple of months back there was a pigeon problem at Proctor Plaza Park and wanted to commend the Parks Department because they had gotten

the nets up to prevent the pigeon problem, that he was out there yesterday and noticed some pigeons inside the plaza, that apparently the net had a hole and some pigeons had gotten in there, that he would request that some one go back out there and take a look at it and make sure the net situation was a long standing solution out there. Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that Mr. Ben Araiza in the Legal Department was retiring and wanted to wish him well. Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that as he had mentioned earlier there were a lot of news on possible terroristic threats looming for the entire Country and wanted to make sure that although the June meeting for the Public Safety and Homeland Security meeting was preempted by the budget hearings the July meeting was being dedicated solely to Homeland Security. Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he would be meeting with the Fire Chief, Police Chief and Chief Administrative Office of the City on not only issues of lines of communication but to get their input on suggestions that had been made by a number of citizens to have a high level, blue chip, City and County panel and advisory group to serve as advisors, that one of the issues that Council Members had raised was that it had to be an expert and not a political group with experience, that as they proceeded with that he would need the Council Members input. Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that as to the radio towers, the ordinance that was in place required that they do have public hearings and thought it was a good idea to have it in Council Member Goldberg committee. Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to join Council Member Green in congratulating the efforts that occurred during the weekend in Third Ward, that she thought it was very well put together with City Departments. Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to say goodbye to their intern, Ms. Donna Kabecket who had done a tremendous job and had spearheaded the Dress For Success and through her efforts they were able to get 249 suits donated that would go to low income women. Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to welcome Pakistan International Airlines, that last Sunday was the first inaugural flight, that he wanted to thank Mr. Vacar and the Houston Airport System for their involvement and also Mr. Lapin and Council Member Galloway. Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to welcome two new TLIP interns to his office. Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he also wanted to welcome Ms. Raquel Hunt, also a TLIP intern to his office, that she worked very hard on their Senior Citizens Summit. Council Members Lawrence, Galloway, Goldberg, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry

absent. (NO QUORUM PRESENT)

Council Member Quan stated that as they entered the second phase of the towing ordinance he looked forward to working with administration making sure they had input from all sides on getting it together. Council Members Lawrence, Galloway, Goldberg, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to thank Mr. Richard Lapin for his help working with the Housing and Community Development Department on getting a Letter of Commitment on their program to end chronic homelessness, that he was very vital in getting that done. Council Members Lawrence, Galloway, Goldberg, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to recognize a couple of people who were retiring, Ms. Debbie Chen, Affirmative Action Department and Mr. George Brevenec, Public Works. Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that one of the next things coming down the pike was the Task Force Report on Building Permit reform and Mr. Lapin and Mr. Walsh would be giving Council Members a briefing. Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:24 p.m. upon MOTION by Council Member Khan, seconded by Council Member Quan. Council Members Lawrence, Galloway, Goldberg, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary