

City Council Chamber, City Hall, Tuesday, December 21, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, December 21, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Mr. Roberto Medina, Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Member M. J. Khan out of the city.

At 1:18 p.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 1:52 p.m. Mayor White called to order the meeting of the City Council and called on Council Member Alvarado for the prayer and pledge. Council Member Alvarado invited Pastor Elijah Solomon with the Refugee Vision Ministries located on Dixie Drive to lead the prayer and Council Member Alvarado led the pledge of allegiance.

Mayor White requested the City Secretary to call the roll. Council Member Khan out of the city. Council Members Galloway, Garcia and Berry absent.

Council Members Quan and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Khan out of the city. Council Members Galloway, Garcia and Berry absent. MOTION ADOPTED.

Mayor White recognized Council Member Lawrence for a point of personal privilege to introduce Santa Claus who sang a song and wished everyone a Merry Christmas. Council Members Garcia and Berry absent.

## **MAYOR'S REPORTS**

### **CONSENT AGENDA NUMBERS 1 through 36**

#### **MISCELLANEOUS** - NUMBERS 1 through 10

1. REQUEST from Mayor for confirmation of the appointment of **MR. CURTIS V. FLOWERS**, to Position 4 to the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for an unexpired term ending August 31, 2005 – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1227 ADOPTED.
3. REQUEST from Mayor for confirmation of the appointment of **MS. BETTY TRAPP CHAPMAN** to Position Two of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION**, for a term ending March 1, 2006 – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1228 ADOPTED.
4. REQUEST from Mayor for confirmation of the reappointment of the following to the **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK) BOARD OF DIRECTORS**:
  - Position 2 - **MS. KAREN J. DORRIS**, for a term to expire December 7, 2005, and to serve as Chair for a term ending December 31, 2004
  - Position 4 - **MR. JOHN A. GONZALES**, for a term to expire December 7, 2005

– was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1229 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointment of **MS. KAREN J. DORRIS**, to serve as Chair of the **CITY PARK REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term ending December 31, 2004 – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1230 ADOPTED.

6. REQUEST from Mayor for confirmation of the appointment of the following to the **BOARD OF DIRECTORS** of **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS, also known as FOURTH WARD**:

Position 3 - **MS. ANGELA SCRANAGE**, for an unexpired term ending June 8, 2005;  
and to serve as Chair for a term to expire December 31, 2004

Position 5 - **MR. OMAR C. REID**, for an unexpired term ending June 8, 2005

– was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1231 ADOPTED.

7. REQUEST from Mayor for confirmation of the appointment of **MS. ANGELA SCRANAGE**, to serve as Chair of the **BOARD OF DIRECTORS** of the **FOURTH WARD REDEVELOPMENT AUTHORITY**, for a term to expire December 31, 2004 – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1232 ADOPTED.

9. RECOMMENDATION from the Director Finance & Administration for approval of Individual Fidelity Bond for **PHILIP B. SCHEPS, Ph.D, Designated CITY TREASURER** in the amount of \$25,000.00 and **MARY ANN GRANT, Designated DEPUTY CITY CONTROLLER** in the amount of \$25,000.00 as required by the Code of Ordinances - \$200.00 Total Premium - Insurance Management Fund – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1233 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$153,282.27 to the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for 2005 Water System Fees - Enterprise Fund – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1234 ADOPTED.

Mayor White and Members of Council recognized Mr. Curtis Flowers and Ms. Betty Trapp Chapman who were present in the audience and thanked them for serving the community. Council Members Garcia and Berry absent.

#### **ACCEPT WORK** - NUMBERS 11 and 11A

11. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and the **GUARANTEE COMPANY OF NORTH AMERICA, USA f/k/a ATLANTIC ALLIANCE FIDELITY AND SURETY COMPANY**, Surety to **BRC SERVICES, INC** to settle a claim – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. ORDINANCE 2004-1302

ADOPTED.

- 11a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$881,204.89 and acceptance of work on contract previously awarded to **BRC SERVICES, INC** and authorize final payment to the **GUARANTEE COMPANY OF NORTH AMERICA, USA f/k/a ATLANTIC ALLIANCE FIDELITY AND SURETY COMPANY** as set out in the settlement agreement - 05.00% over the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1235 ADOPTED.

**PROPERTY** - NUMBER 12

12. RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners into the registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Bank of America, N. A. et al, Cause No. 821,807, for acquisition of Parcel AY3-101; for the **PECH ROAD PAVING PROJECT (Long Point Road - Westview Road)**, CIP/GFS N-0754-01-2 - \$44,163.00 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1236 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 13 and 15

13. **BRIGGS EQUIPMENT TRUST dba BRIGGS EQUIPMENT** for Forklift and Trailer-Mounted Boom for Houston Airport System - \$54,760.00 - Enterprise Fund – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1237 ADOPTED.
15. **AMEND MOTION #2002-0034, 1/9/02, TO EXTEND** expiration date from January 9, 2005 to January 8, 2006, for Automotive, Tire and Tube Repair Materials Contract for Various Departments, awarded to **ALL TIRE SUPPLY CO., INC dba REMA OF TEXAS** – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city. Council Members Garcia and Berry absent. MOTION 2004-1238 ADOPTED.

**ORDINANCES** - NUMBERS 18 through 36

18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Lane Street right of way from Pearl Avenue to McCarty Avenue, located within Port Houston N.S.B.B., a subdivision of the John Brown League, Harris County, Texas; vacating and abandoning said street right of way to Houston Independent School District, the abutting owner, in consideration of its payment of \$40,000.00 and other consideration to the City; Parcel SY3-001 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Garcia absent. ORDINANCE 2004-1303 ADOPTED.
19. ORDINANCE consenting to the addition of 33.6090 acres of land to **BILMA PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Garcia absent. ORDINANCE 2004-1304 ADOPTED.
20. ORDINANCE issuing a permit to 1100 Louisiana Limited Partnership for using, occupying,

- operating, maintaining and repairing vault space abutting Block 260, S.S.B.B., and vault space and four pedestrian tunnels abutting Block 259, S.S.B.B., and within and underneath Brazos Street, Dallas Avenue, Lamar Avenue, Louisiana Street, and Smith Street, being public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Garcia absent. ORDINANCE 2004-1305 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for an Air Monitoring System - \$309,520.00 Grant Fund – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Garcia absent. ORDINANCE 2004-1306 ADOPTED.
27. ORDINANCE approving and authorizing professional landscape architectural and engineering services contract between the City and **LLEWELYN-DAVIES SAHNI, INC** for Gulfgate Freeway Enhancement Project - \$315,959.44 - Gulfgate Redevelopment Authority Fund – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Garcia absent. ORDINANCE 2004-1307 ADOPTED.
28. ORDINANCE appropriating \$567,500.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing the purchase of land and improvements thereon out of the Beeler (Unrecorded) and J. C. Hayes Subdivisions, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-08.1; Project 617; approving purchase and sale agreements with the owners of the land (Rozco Contracting, Inc., and George Wesley West and Frances West); approving the acquisition of an Avigation Easement and Restrictive Covenant upon land out of the McAuley Survey, A-577, Houston, Harris County, Texas - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Garcia absent. ORDINANCE 2004-1308 ADOPTED.
32. ORDINANCE appropriating \$125,000.00 out of Solid Waste Consolidated Construction Fund; \$120,010.00 out of Parks Consolidated Construction Fund; and \$188,998.00 out of PIB Petroleum Storage Tank Reimbursement Fund as an additional appropriation for Professional Environmental Consulting Services, CIP F-0509-16-5 and L-0067-01-5 under contract with **MALCOLM PIRNIE, INC** (approved by Ordinance No. 02-0499) - **DISTRICTS C - GOLDBERG; G - HOLM; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Garcia absent. ORDINANCE 2004-1309 ADOPTED.
34. Omitted
35. ORDINANCE appropriating \$3,440,354.27 out of Series E Commercial Metro Paper Fund No. 49M and \$752,445.73 out of Water & Sewer System Consolidated Construction Fund awarding construction contract to **TOTAL CONTRACTING LIMITED** for Neighborhood Street Reconstruction Project No. 445, GFS N-0377-01-3 (SB9138); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Series E Commercial Metro Paper Fund No. 49M and Water & Sewer System Consolidated Construction Fund - **DISTRICTS H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Garcia absent. ORDINANCE 2004-1310 ADOPTED.

36. ORDINANCE appropriating \$2,642,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for West Gray Sanitary Sewer Replacement, GFS R-2011-41-3 (WW4854-02); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Garcia absent. ORDINANCE 2004-1311 ADOPTED.

At 2:02 Mayor White stated they would proceed to the public session.

Mr. Nelson Reyes, 6006 Bellaire, Ste. 100, Houston, Texas 77081 (713-665-1284) appeared and stated that he was the Executive Director of the Gulfton Area Neighborhood Organization and knew that some question had been raised about the Monsignor Romero Day Labor Site, that what was affecting the site now was the location, they were moving from the residential area and had to be close to the business area, close to the feeder of Highway 59 and Westpark, that the Mayor had appointed a task force to look for a new location and they were working on a new proposal also, they were holding meetings every month and they had a task force day labor meeting every month and had outings every year to see how they were doing on the job, that he wanted to thank the previous leadership and all Houstonians for the major way they had responded to the day labor issue because they were pioneers on the issue and now it was an issue nationwide and they had responded in a wise way to provide a place for the workers, that there was a big problem and they needed an immigration reform at the federal level, that cities like Houston were dealing with a problem like workers in the street and he thought that to provide them with a dignified place to wait for someone to hire them was the best solution, they had two choices, to try to make their life difficult or to recognize that they were helping to build the City of Houston and they had families that they needed to provide for, that he had a handout for the Council Members, that they had a new proposal that they had worked together with the community and with students from the University of Houston where they wanted to build a new location for the workers and it would be a community project. Council Members Wiseman, Garcia and Alvarado absent.

Upon questions by Council Members, Mr. Reyes stated that it was correct that the Mayor had appointed a task force to help them find a location for the day labor site and they had found a location, which belonged to the City of Houston and they would love to have the day labor site there if allowed, that the attached was a proposal, that they had a meeting with the workers from the community and the Engineering Department of the University of Houston, students, helped put together the proposal, that they had worked on it for 3 months, that there was no doubt if they could build a new location close to the feeder of Highway 59 and Westpark they would have a better impact in the Gulfton neighborhood, that they had received telephone calls from San Francisco, Maryland and Rosenberg, asking questions about how they started, that the community had been very supportive of the site, that the present location was at 6909 Hillcroft but was close to the residential area in Gulfton, that at their new location they would be alone in a business area and would not bother any residential areas. Council Members Wiseman and Alvarado absent.

Mr. Robert Moore, 3118 Robinhood, Houston, Texas 77005 (713-665-3668) appeared and stated that he was a native Houstonian and worked for an architectural firm in the City and had to take into account the safety of the public every day in the job that he did, that there were many things he saw happening in the City that he was concerned about, from graffiti to traffic and safety and today the traffic was a mess, they were plagued with some of the worse drivers and did not know why, perhaps it was because drivers education was suspended in the high schools, possibly new immigrants to the City who were not familiar with the traffic and basically people with bad manners who were always rushing here and there, that one thing he had noticed was that people were not paying attention to their driving habits and used cell phones

and turn indicators blatantly, the reason he was present was because of the red light cameras, that almost three years ago he was involved in a four car accident by someone who ran a red light, that he was heading south on a street and there was a car in front of him and as the car entered the intersection a car ran the red light and hit the car in the intersection, that the person who ran the red light and the person who was hit were taken to the hospital and since it was right in front of him he was not able to stop and he hit them and there was another car involved on the other side, that he was given the ticket and had to go and hire an attorney and go to court twice and it took him over a year to get the mess settled, that the person in front of him validated the truth about the person who ran the red light, the person who ran the red light was cited for no insurance and no license, that he was in favor of anything that could make the traffic in the City safer, he applauded the City for doing the ordinance and his question was if the proposal would help the police investigate the accidents more effectively, that once again he wanted to thank them for trying to do something to make their streets safer. Council Members Wiseman, Holm and Berry absent.

Upon questions by Council Member Quan, Mr. Moore stated that he wanted to find out if it was part of the program that if the cameras were in place there would be a record of it, that he would like to see that, and Council Member Quan stated that he thought it would address the issue. Council Members Wiseman, Holm and Berry absent.

Council Member Green moved to suspend the rules to add Representative Harold Dutton to the speakers list after Mr. Robert Moore. All voting aye. Nays none. Council Member Khan out of the city. Council Members Wiseman, Holm and Berry absent. MOTION 2004-1238A ADOPTED.

Representative Harold Dutton appeared and stated that he wanted to thank them for the opportunity to address the Council, that he was present regarding the appointment of Mr. Milton Wilson, which was on the agenda, and he wanted to say his amens to the Council and Mayor for doing that, that he had known Mr. Wilson for over forty years, that he wanted to thank them for all of their hard work and looked forward to their coming to help them starting January 11, 2005 in Austin, that Mr. Wilson had a long resume and history of putting things together and making things work, that if he did what he did at the SBA for the City of Houston he thought they would all be proud, that he was also joined by Mr. Ray Sites who was present in the audience and who also wanted to add his amens. Council Members Wiseman, Holm and Berry absent.

Mayor White and Members of Council stated that they appreciated the advice Representative Dutton had given them in working through the LARA process and Land Assemblage and wanted to thank Representative Dutton for being present and weighing in on Mr. Wilson. Council Members Holm, Garcia and Berry absent.

Ms. Ann O'Ryan, 4970 Highway 290 W., Ste. 310, Austin, Texas 78735 (512-899-8843) appeared and stated that she wanted to thank the Council for addressing the serious nature of the traffic problems that they had in Houston, namely red light running, that they supported the concepts and goals of the proposed Houston Red Light Camera Enforcement Ordinance and they believed that the red light camera ordinance needed to include some of the following items, that they believed it was important to have a well designed and properly administered red light camera program, that they believed it needed to focus on preventing crashes and modifying behavior that included having signs, that prominently displayed at the City limits, notified motorists that the City of Houston had red light camera enforcement, also signs prior to the intersection, that there had been studies done that showed it was an effective deterrent, that also that the program was fair and maintained engineering specifications, that the City test the calibration of the light and the red and yellow light interval to insure that it complied with national engineering standards, that the City also examine the engineering integrity of the intersection itself before implementation of the program and then during the camera enforcement to also look at the intersection and make sure that the interval lights were maintained correctly and that the program was going correctly and that there was also reasonable enforcement cushions

provided that target flagrant rather than marginal infractions, that they include due process, that they would like to see Section 45-483 modified, instead of saying 30 days that the City would have to notify the motorist of a violation, to lessen it to 15 days, they would also encourage that the City would avoid the mistakes of other jurisdictions, like California had in San Diego, there a superior court dismissed hundreds of tickets and the program was temporarily suspended because they needed to have direct supervision and control of State certified law enforcement personnel of the program, control the program, not the vendor controlling the program, and also there was a problem seen because they allowed payment based on percentage of violations issued and they found that it created a conflict of interest for the vendor, the State of California, a couple of years ago, did an audit report called Red Light Camera Programs that she encouraged them to look at. Council Members Galloway and Berry absent.

Upon questions by Council Members, Ms. O'Ryan stated that she was with Triple A Texas, that there had been some who had looked at the studies of the solution being lengthening the yellow light, but what they encouraged was that the City follow national engineering standards and in some cases might mean lengthening the yellow light, the national engineering standards depended on the speed limit, the configuration and width of the road, the lines and several other factors, that they would endorse not necessarily lengthening the yellow light but following the national standards. Council Members Galloway and Berry absent.

After further discussion, Council Member Sekula-Gibbs stated that she would be inclined to vote in favor of a proposal where the vendor received more of a flat fee versus a percentage gain, that she thought the public would be more inclined to favor a vendor that did not have a buy in to have more tickets written or more tickets issued if they felt they were more neutral, and Mayor White stated that the same sentiment had been expressed by a number of Council Members and thought it was a legitimate sentiment. Council Members Galloway, Green and Berry absent.

Upon further questions by Council Members, Ms. O'Ryan stated that they had no evidence that insurance rates would go up if they had a red light camera enforcement program, in fact having such a program they normally saw the number of red light incidents and crashes reduced, so that could in some way have a positive effect on rates at some point. Council Members Galloway, Green and Berry absent.

Upon questions by Council Members, Mr. Arturo Michel, City Attorney, stated that it seemed from an efficiency point of view the issue would come back to Council when they had the contract that resulted from the RFP and there may be some other issues that the Council would want to incorporate, that it seemed a more efficient way to address the process, that they could incorporate several aspects into an audit. Council Members Galloway, Green and Berry absent.

Upon further questions by Council Members, Ms. O'Ryan stated that rationale for the 15 day versus the 30 day was that they believed it had to do with due process since the motorists would not necessarily know that they had been in violation, they had to be notified as quickly as possible because once 30 days or 15 days went by how were they going to remember where they were or if they were at a particular intersection 30 days ago, the sooner it went out the more chance a motorist had for due process rights. Council Members Galloway, Green and Berry absent.

Upon questions by Council Members, Mr. Michel stated that he was not aware if they had done a study on lengthening the yellow light signal at those intersections where they had red light crashes or where they were looking at putting the cameras, but believed that someone was aware of those studies, and Ms. O'Ryan stated that she was not familiar with the studies that said that red light cameras tended to increase rear end accidents. Council Members Galloway, Green and Berry absent.

Mr. Paul Kubosh, 1619 Lubbock, Houston, Texas 77007 (281-850-0171) appeared and stated that he was present to speak against the use of red light cameras as they were currently set to be implemented by a City ordinance, the proponents of the system would lead them to believe that Houstonians had a unique problem, once they crossed the city limits all of a sudden they become a more aggressive driver, that once a vehicle entered the town it was hats off and go as they please, was that really the problem or were they really suffering from poor engineering, and he believed that was the case, that he had passed out to Council Members three things, a study from the expert in the San Diego lawsuit, a report from the House Majority Leader, which he had previously sent to the Council offices about three weeks ago and a copy of the Texas Constitutional Provision along with the Attorney General opinion that stood for the proposition that it was nothing more than an exercise in futility and that they did not have the legal authority to do what they were about to do, that he would start with the San Diego report, a red light camera system could accomplish two things, it could either generate revenue or make the intersection safer, it could not do both, what they found out in San Diego was that it was all about the yellow light, in the report from Dr. Beck they had four intersections that they specifically looked at which had short yellow lights, they went in and monitored the violations that were given out on a monthly basis, they went in afterwards and increased the yellow lights and in every intersection in which they increased the yellow lights the violations went down, specifically he would point to them the Mission Bay Boulevard and Grand Avenue intersection, it stood out as the most impressive reduction because at that intersection the red light cameras were not very effective in stopping red light running, they were issuing 2,262 violations per month, where was the safety in that, they increased the yellow from 3 seconds to 4.7 and it went down to 205 violations, red light cameras could work but if they did not supervise them and did not properly stay on top of them and not write it into the ordinance to govern them then the red light cameras would not work, but then they had another problem, at some point and time the red light runners would go down so far that they would start losing money at the intersection where the cameras were being used, so that was something they would have to address later, that Mr. Beck's study concluded with his recommendation that yellow light intervals should be increased to 5.4 seconds and in so doing red light running would be reduced 10 fold, that in the hand out that he had passed out were places with long yellows where the violation volume was not there. Council Members Galloway, Holm and Berry absent.

Upon questions by Council Members, Mr. Kubosh stated that there were a certain amount of people who were just reckless, careless and not paying attention, but the problem that they had to be careful of was trapping people in the dilemma zone, when they were approaching an intersection they had a certain amount of time that they could stop, they had a certain amount of reaction time and they had a certain amount of time they had to clear the intersection and if they did not allow for that then they were going to be sticking all of those people in a trap, that he was saying if they did not go to the intersection first with their engineers and determine what the problem was and then put the camera up without taking the engineer first then they were going to trap the people, that it was all about the yellow light.

Council Member Sekula-Gibbs asked Mayor White if it was possible for them to require that in those intersections where they had a high volume of violations that they then do a mandatory evaluation of the timing of the yellow light to determine if the yellow light was too brief and then make adjustments, a mandatory study to see if those yellow lights were too short. Council Members Lawrence, Galloway, Holm and Berry absent.

Mayor White stated that it was something that he and Mr. Malanga were talking about, that one, they had an issue of public safety, the rule that people should stop at a red light and then they also had the issue that did involve traffic engineering about the total amount of time in which a particular intersection was red and yellow, that he would like to get for the Council Members an opinion from Mr. Malanga about the timing of traffic signals, the principals by which it existed in order to optimize the flow of traffic and any information and studies about the extent to which increasing the yellow light could enhance safety. Council Members Lawrence, Galloway, Holm and Berry absent.



Council Member Goldberg stated that he wanted to get an opinion from the City Attorney about the two points that Mr. Kubosh brought up, that he cited the State Constitution and the Attorney General and wondered what Mr. Michel's response was to that, and Mr. Michel stated that as to the State Constitution he did not think there was any issue as to what it said, he thought it really begged the question as to whether the ordinance violated the law or not, they believed that it was in conformance with the law on really two points, that he thought what the City did in issuing the AG's opinion was different than the ordinance that Houston was proposing to pass and that Garland, Texas had passed, that both their proposed ordinance and Garland's ordinance the behavior there was somewhat different than what the Traffic Code prohibited and more importantly the AG opinion came out in 2002 and that preceded the Legislation that defined the word "regulation" in the Traffic Code that came out in 2003 and they thought it provided sufficient authority. Council Members Lawrence, Holm and Alvarado absent.

Council Member Edwards asked if it was possible to do both, to lengthen yellow lights where they did not have the red light cameras to see how it was working and then do an analysis within a three to six month period. Council Members Lawrence, Holm and Alvarado absent.

Mayor White stated that they could consider the timing of the yellow light, Mr. Malanga in his analysis of the literature where they had done those studies had pointed out that it had to be over an extended period of time, that there was an issue that he thought was an issue that Council as a whole would want to consider, if they increased the total amount of red and yellow they would decrease mobility, that he had asked Mr. Malanga to put a report back to Council on the issues.

Ms. Eileen Harris, 11014 Chevy Chase Dr., Houston, Texas 77042 (713-783-0498) had reserved time to speak but was not present when her name was called.

Ms. Arlene Kelly, 2715 Lazy Spring Dr., Houston, Texas 77080 (713-462-3808) appeared and stated that she was present to speak on the red light cameras, that she had been in Houston for 25 years and was a District A resident, that she enjoyed the discussion and had learned quite a lot more than she knew before, that she was present to express her opinion first on the extension of the yellow light, she thought it was an excellent idea and believed it would do more to increase the safety of the intersections than simply taking a picture of somebody's license plate and sending them a ticket, that another factor that she thought might increase safety was that in addition to increasing the yellow light would be to delay the onset of the green light in the opposite direction for two or three seconds, that she heard it had been effective in other cities but had no study to offer them to back it up, that another problem that she had with it was that tickets issued by police officers, she believed, were civil matters, whereas tickets issued as a result of the red light cameras would be a criminal matter, that they should both be the same offense and should not differ in any way, so she thought that factor needed to be addressed, that she did not feel that the burden of proof should be put on her if she received a ticket as a result of her license plate being snapped, she lived in a multiple car household and who knows who would be driving one car or another, further they borrowed other people's vehicles for different purposes and they loaned their vehicles to other people, that she thought it was inappropriate to place the burden on her to prove her innocence in that kind of matter, that she believed her rights and anybody who received those tickets would be violated in such a way, that also she believed it could also possibly increase the court dockets for people appealing. Council Member Galloway absent.

Upon questions by Council Members, Ms. Kelly stated that there were three members in her household and two cars and it varied how many times they drove somebody else's car, that had to borrow someone else's van to pick up a lot of luggage from the airport for incoming family, and others had borrowed her car, that she borrowed someone else's van twice in the month, that she was careful but nevertheless they should not be responsible for her ticket if she

happened to get one. Council Member Galloway absent.

Council Member Sekula-Gibbs moved to suspend the rules to hear from Mr. Randall Kallinen, Mr. Joshua Bullard and Mr. Allan Romano at the bottom of the agenda speakers to follow Dr. Red Duke, seconded by Council Member Alvarado. Mayor White stated that if there was no objection it was so ordered. Council Member Galloway absent.

Ms. Colleen Mahan, 8731 Hinman, Houston, Texas 77061 (713-641-0129) appeared and stated that several months ago she was present to discuss the murder of her son Mr. Lannie Blane Robinson by HPD officers, the officer had shot nine people and shot her son seven times, he was still on the force, that she would like to ask that the Captain of those positions to be taken out of those positions, that Homicide and Internal Affairs were the two that were involved, that she was still involved in her relentless search for justice to prevail, she had the necessary evidence of forensic science of cover up and murder, that she was present to ask that another tool not be given to the Houston Police Department, she believed it would be a tool that might be used to harass Houston citizens. Council Member Galloway absent.

Upon questions by Council Member Berry, Ms. Mahan stated that the case happened on April 19, 2000, that when she went to Internal Affairs she may as well have been talking to the wall, she knew in the first two minutes that they were not interested in her case at all, that she also went to the DA's Office and was pressured to talk real fast to get her point across and they never investigated, that she had to hire a forensic expert who came up with the proof of murder and cover up, that it was her contention that a Houston Police Officer shot her son, that there was no doubt, that there was also a video tape of the crime scene and the crime scene being changed, that she was told who shot her son, that she thought they needed a thorough investigation of the Internal Affairs Department in Houston, there was a lot of corruption involving the Police Department as well as Internal Affairs, that they hardly said anything to her, that she knew they were not interested at all. Council Members Galloway, Holm, Ellis and Quan absent.

Mr. Perry Radoff, 3050 Post Oak Blvd., No. 1425, Houston, Texas 77056 (713-659-0670) appeared and stated that he was present in favor of the red light cameras, that he was active in the community and one of his roles was Chair of the Police Advisory Committee, that he knew the issue had come up in the past regarding, at that point, the State Legislature, the committee had supported red lights as a very important community safety feature, that he wanted to relay that interest from the Police Advisory Committee, that it was an organization composed of citywide community organizations, a diverse group and expressing a lot of opinions in public safety was a great importance to them, that he wanted to make a few observations, that first, he was not concerned in it being a privacy issue, he expressed the opinion of the City Attorney and the diligent research he had done both regarding Constitution and other applicable laws, that obviously the fact that they were taking pictures of license plates as they went through the toll road indicated that it was not a privacy issue, and in his opinion if they wanted to retain their privacy do not run a red light, it was just that simple, that the other was that the numbers that had been quoted in the past meeting about the dramatic reduction in accidents as a result of red light cameras, that the equipment had been around for a long time as evidenced by the fact that over 100 cities had it, it was well tested, that he appreciated the calibration process that HPD would be using to be sure that it remained accurate, that he knew that type of equipment could actually be maintained and be made reliable, that finally he wanted to mention that he heard a lot of discussion about yellow lights but wanted to say that Public Works was doing a very good job. Council Members Galloway and Quan absent.

Council Member Garcia stated that he wanted to thank Mr. Radoff for being present and appreciated his comments. Council Members Galloway and Quan absent.

Mr. James Partsch-Galvan, 1610 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members

Galloway and Quan absent.

Sergeant C. J. Klausner, 61 Riesner, Houston, Texas 77002 (713-376-0877) appeared and stated that he was asked to visit with them and had a few comments on behalf of the Houston Police Department, that every year Houston experienced double digits in their intersections involving red lights and they issue out usually about 10,000 to 20,000 citations of red light violators and investigated approximately 5,000 crashes in intersections which came out also to double digit crashes each day and on a nation basis about 1,000 deaths a year were contributed to red lights totaling 20,000 crashes and from what little study he had tried to put together cities across the Country that had instituted a red light program, such as was being discussed today, had seen anywhere from a 33% to 70% drop in fatalities and red light runners, he would suggest it did not get any better than that, if they could reduce crashes and reduce deaths what a great job they were doing for their fellow citizens of the City, that he came in 2000 to try to institute a program and spoke before many of the Council Members at that time about a left lane in the restricted truck lane and that was a new concept, no city in the State of Texas had tried that, that he was delighted to tell them that since that program was instituted in September 2000 they had zero deaths on the freeways that had restricted lanes, and that was a first, they took a chance, that their crash rates were down 50%, that it was a delight to be part of a program as successful as that, that unfortunately they had a brother officer killed in an intersection crash, that he was a young man nearing his 20<sup>th</sup> year and his life was taken from him, that as it did each year double digit deaths occurred in intersection crashes and in 2004 one of their brother officers was making that double digit death. Council Member Galloway absent.

Mayor White and Council Members thanked Sergeant Klausner and his fellow officers present for all they did and for their support. Council Member Galloway absent.

Upon questions by Council Members, Sergeant Klausner stated that he did not think anybody would be bold enough to tell them that red light cameras at intersections would stop, it was a culpability type incident, that the reduction went down only at the intersections with red light cameras, that there was no secret the camera was clearly posted, that he thought they had technology out there that had been proven in cities throughout America that the crash rates were in fact reduced with the cameras, he thought it would behoove them not to use utilize technology, they could not have a police officer at every single interchange, they would love to have that but did not have the staffing, that as to the motive in the ordinance to change behavior it was a monetary fine and civil fine, that he could only cite the facts as they were, that cities across America that had tried the program on a civil nature such as this have in fact seen a reduction in their crashes at those intersections, that their group on heavy trucks go out every day, that they were citywide and did respond, that he attended 50 to 100 neighborhood meetings per year and listened to the community at large and targeted a lot of communities where trucks were making havoc, that he was looking to reduce crashes and trying to reduce the death rates in the City, that he made every fatal crash wreck involving commercial trucks in the City. Council Members Holm and Sekula-Gibbs absent.

Dr. Red Duke, 6431 Fannin, Houston, Texas 77030 (713-521-1200) had reserved time to speak but was not present when his name was called. Council Members Holm and Sekula-Gibbs absent.

Mr. Randall Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) appeared and stated that as they had heard there were many criticisms of the red light cameras and he did not think they were ready today to pass the ordinance, there were many questions, that the Virginia Department of Transportation increased the yellow light time on the traffic lights at U.S. 50 and Fairridge Drive by 1.5 seconds on March 26, 2001, that the increase in yellow time from 4 to 5.5 seconds resulted in a 96% drop in citations to less than one per day, that there was information on the yellow light timing decreasing accidents, furthermore when they talked about flat fee they did not mean a per ticket flat fee for the vendor, they meant a complete

flat fee, no per ticket fee for the vendor because that made for more, that ACLU's analysis also said that it was unconstitutional. Mayor White and Council Members Wiseman and Holm absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that there seemed to be a debate and asked Mr. Michel if the Mayor intended to have a flat fee for the vendor based on a per ticket or was it a flat fee for the contract, and Mr. Michel stated that what they were intending to do was in the RFP, essentially asking the vendors to put their best foot forward on how they would price it and then they would look at the different mechanisms for doing that, and Council Member Sekula-Gibbs stated that they did not want incentives for the vendor to have more tickets, and Mr. Michel stated that they understood what she was saying and that was going to be part of what the RFP would look at and would be a contract that would be coming back to Council. Mayor White and Council Members Wiseman and Holm absent. Mayor Pro Tem Alvarado presiding.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (713-654-0037) appeared and stated that he was in support of the action, it was a safety issue and one that was beneficial for the citizens of Houston, it was also one that had been hindered by Council Member Sekula-Gibbs who tagged the item last week along with Council Member Wiseman, if it was not for the two Council Members they could have moved forward with the safety for the citizens already, so he would ask that the Mayor Pro Tem legally admonish the two Council Members for hindering it going forward, that it was something that they needed and a necessary to the citizens. Mr. Bullard continued to voice his personal opinions until his time expired. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding.

Mr. Allan Romano, 8401 Airline, Houston, Texas 77037 (281-448-3000) had reserved time to speak but was not present when his name was called. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway moved to suspend the rules to consider Item Numbers 2 and 8 out of order at this time, seconded by Council Member Green. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Members, Mr. Michel stated that they had the ability to take any item out of order as long as it was done by motion.

After further discussion a vote was called on the motion to suspend the rules. Council Members Goldberg, Edwards and Garcia voting no, balance voting aye. Council Member Khan out of the city. MOTION 2004-1239 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of **MR. MILTON WILSON, JR.** as Director of the **HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT** – was presented, moved by Council Member Green, seconded by Council Member Quan. All voting aye. Nays none. Council Member Khan out of the city. MOTION 2004-1240 ADOPTED.

Mayor White invited Mr. Milton Wilson to the podium to address the City Council, and Mr. Wilson stated that it was the hardest position that he would ever have and one that he would have dedication to and promised that his goal was nothing more than to make the Department of Housing and Community Development number one in the Country, that it was an awesome task, that they talk about the American dream, that it was 228 years since the founding of the Country and he wanted to see it for all their citizens, that he thought they were doing well economically and had problems in Housing and he promised that he would tackle it with all the vigor and honesty that he could.

Mayor White and Members of City Council congratulated Mr. Wilson on his new appointment and wished him well.

8. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **PLANNING COMMISSION**:
- Position One - **MR. LEE D. SCHLANGER**, appointment, for an unexpired term ending March 31, 2005
  - Position Four - **MS. CAROL A. LEWIS**, appointment, for a term to expire 9/30/06
  - Position Nine - **MS. ROBIN REED**, reappointment, for a term to expire 9/30/06
  - Position Eleven - **MR. SHAUKAT ZAKARIA**, appointment, for a term to expire 9/30/06
  - Position Sixteen - **MR. ERNEST EDWIN CHANCE**, Montgomery County Commissioner representative, reappointment, for a term to expire 9/30/06  
**MR. MARK J. MOONEY**, Alternate, Montgomery County Commissioner, reappointment, for a term to expire 9/30/06
  - Position Seventeen - **MR. GRADY PRESTAGE**, Fort Bend County Commissioner representative, reappointment, for a term to expire 9/30/06  
**MR. D. JESSE HEGEMIER**, Alternate, Fort Bend County Commissioner representative, reappointment, for a term to expire 9/30/06
  - Position Eighteen - **MR. D. FRED MARTINEZ**, appointment, for a term to expire 9/30/2006

- was presented, moved by Council Member Green, seconded by Council Member Alvarado.

Council Member Edwards stated that it was the Planning Commission that they were voting on and then there was also Item No. 17 and she was concerned that it was out of sequence, that it seemed they should do the ordinance first and then appoint people to the board, and Mayor White stated that he was informed that the way they set it up they had not on Item No. 8 taken any action which was dependent on the changes in the ordinance, that they were all existing positions. Council Member Goldberg absent

After further discussion a vote was called on Item No. 8. All voting aye. Nays none. Council Member Khan out of the city. MOTION 2004-1241 ADOPTED.

Mayor White stated that Ms. Carol Lewis and Mr. Fred Martinez were present in the audience and asked that they stand and be recognized.

Mr. Kenneth Broeder, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that he was present on behalf of His Disciples Ministry who were seeking to get a hardship permit for the residence where they resided, that they were a non profit organization, that they would like permission to continue to reside at their present dwelling. Council Members Wiseman and Holm absent.

Council Member Goldberg moved to suspend the rules to hear from Ms. Marty Morrison out of order at this time. Mayor White stated that if there was no objection it was so ordered. Council Members Wiseman and Holm absent.

Ms. Marty Morrison, 6363 San Felipe, No. 110, Houston, Texas 77057 (713-291-2010) appeared and stated that on Monday, December 26 while on their way into work off of I-10, the Katy Freeway, then on to Smith Street and then to Franklin Street, twenty to thirty prospective jurors, citizens and government employees were motioned to pull over to the side of Franklin Street and when the officer asked her to pull over she asked what she had done and he said she made an illegal left turn, that as of last week they were allowed to make a left lane turn onto Franklin off of Smith, if it had just been her she would have chucked it up and gone to court on

January 26, 2005 but to her amazement there were 30 other citizens receiving citations, that all she was asking was for them to do an investigation, that she believed in the process, that she had driven the same path to work for the last 11 years and prior to June 2004 it was an illegal left turn lane from Smith onto Franklin, but they were all praising the fine work of the City for opening it finally because it was a direct path to the County parking area and to the garage for the jury assembly room, that all she was asking if they had been told earlier or if there had been public notice through the media in print or on television they would all have taken notice, that they asked for a thorough investigation, was it a sting, whatever the outcome of the investigation they would accept it, that they were told to call the courts to find out the amount of the citations, that they please take it seriously to investigate it. Council Member Wiseman absent.

Council Member Ellis asked if it used to be an illegal turn and Ms. Morrison stated yes, that there was a sign posted now but was not that well displayed, that again the police officers were in the same location pulling over drivers and issuing citations, and Council Member Ellis stated that he would look into it and finding out why it changed for six months only. Council Members Goldberg, Wiseman and Holm absent.

Mayor White stated that Mr. Gary Norman and Captain Jones could meet with Ms. Morrison on the issue. Council Members Goldberg, Wiseman and Holm absent.

The City Secretary stated that they added at the end of the three minute speakers Mr. Bob Walsh who had reserved time by leaving a message on a voice mail without a phone number or address, that she had been informed that he was speaking on the agenda item on the red lights so she would call him next.

Mr. Bob Walsh (no information, left message on voicemail) appeared and stated that he was the Chair of the Criminal Justice Department at the University of Houston Downtown and was present to address the issue of the so called red light cameras, that he wanted to tell them that he supported the idea that such a device would have a deterrent effect, however in all honesty comparing one city with another city and coming up with a projected result was not a very feasible thing to do, there were way to many variables that needed to be controlled, not the least of which for example would be the make and model of the camera to be used, that one of the makers, Lockheed Martin, had a subsidiary ACS, Automated Computer Systems, which charged a fee, it was 40% and did not know if it still was 40% or not of the receipts, there were trigger points, whether or not it was embedded in the road or whether or not a light was used, a so called radar to detect when the vehicle passed that point, when the point was established, was it when the vehicle crossed that point, or was it just a picture of the tail end crossing, where the front end was at the point of initial change, there were a variety of issues that needed to be controlled, the width of the intersection, the speed of the traffic, the timing of the yellow lights, for example, that while those were all standardized there were variations from city to city, intersection to intersection and a host of a variety of issues that came up, not the least of which were legal, whether or not the Municipal Courts were going to treat the photographs and traffic violations similar to that of a parking ticket, for example, where the owner was held responsible for the operation of the vehicle, that there were a host of issues, that the City Attorney office representative from Garland was present in the audience and they had an enormously impressive percentage of reduction in traffic accidents, both property damage and personal injury, but would that be something that would occur in Houston, they did not know, and there was no way to project it, it may be more or may be less or maybe the same, they did not know. Council Members Goldberg, Wiseman and Holm absent.

Mr. John Roberts, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that he was present in support of Mr. Dale York and his Ministry of Disciples in asking for an extension of the home they were living in now. Council Members Wiseman, Holm and Ellis absent.

Mr. Sidney Jordan, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared

and stated that he was present in support of Mr. Dale York and his Ministry of Disciples in asking for an extension of the home they were living in now. Council Members Wiseman, Garcia and Berry absent.

Mr. Brad Brown, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that he was present in support of Mr. Dale York and his Ministry of Disciples in asking for an extension of the home they were living in now. Council Members Wiseman, Garcia, Quan and Berry absent.

Mr. Gary Johnson, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that he was present in support of Mr. Dale York and his Ministry of Disciples in asking for an extension of the home they were living in now. Council Members Wiseman, Garcia and Berry absent.

Mr. Dale York, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) appeared and stated that he was present today because the City Council was going to have to vote on his appeal of a Hardship Permit for their mobile home that they were using for the previous speakers to live in, that the home was also used as security for their mini warehouses, that it was used to help the men, that he wanted the City Council to realize that there were some really neat people who were really doing good and he had not done a good job doing his paperwork and the Hardship Permit expired, if they give him one more extension on the Hardship Permit by then he would have a modular home or build a house on the property.

Upon questions by Council Members, Mr. York stated that he had been before the board and was turned down by a vote of 4 to 3, that they were appealing the decision and it would come to City Council, that he wanted the Council to see the people they were working with and their lives that would be affected. Council Members Lawrence, Wiseman and Berry absent.

Mr. Steven Williams, No address, No phone, had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman and Berry absent.

Mr./Coach R. J. Bobby Taylor, had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman and Berry absent.

Ms. Asmera Tekle, 6902 Burgess, Houston, Texas 77021 (713-523-9994) appeared and stated that she was Vice Chair of the Central City Preservation Coalition, they were a neighborhood, the Central City subdivision in which the Texas Medical Center was proposing to build a 500 car multi level parking garage in their neighborhood, that their neighborhood had been in existence since 1939 and was 65 years old and had always been a deed restricted neighborhood, and Ms. Tekle displayed a picture of the proposed parking garage and stated that they could see there was a house right next door to the parking garage and in addition to that there would be houses just across the street from the parking garage where children had played for years in the neighborhood, that the neighborhood was responsible for bringing her from Houston to Mayor White's alma matter, Harvard, and back to Houston again, they were very concerned about the effects of the parking garage on their neighborhood, it was a violation of their deed restrictions that allowed for residential use of real property in the neighborhood and there were also concerns about the public safety to the many residents in their neighborhood in particular to the lives of the children, they were also concerned about the noise, the air, the light pollution that would likely occur as a result of the parking garage being built in their neighborhood, they were also concerned that the parking garage would be a haven for criminal activity in the neighborhood and in fact their neighborhood would be a waiting prey for any criminals that would like to use the parking garage as a waiting area, in addition they were also very much concerned about the effect on the values of real property as well as resale values of the houses in their neighborhood, they could only imagine that it would be hard for someone to want to purchase property in a neighborhood where there was a parking garage right next door. Council Members Goldberg, Wiseman and Berry absent.

After discussion, Council Member Edwards stated that their office was asking for a traffic study, that they had asked for an air quality study and they were asking that the City Council stand behind the community in the way that the community had stood behind City Council and help them find a different way, that there were some properties that were available in that area close to OST that would not be corrupting the integrity of the neighborhood. Council Members Galloway, Goldberg and Wiseman absent.

Mayor White stated that based on Council Member Edwards request and the input they got from stake holders they were proceeding to do those two studies, that he thought they needed more transparency and more stake holder involvement in decisions effecting the Texas Medical Center, that he wanted to thank Ms. Tekle for bringing it to their attention. Council Members Galloway, Goldberg and Wiseman absent.

After further discussion Council Member Sekula-Gibbs stated that she would like to learn more about it and had been given some documents to study and would like to get some more information on it, that the documents presented today indicated that there could be room for improvement. Council Members Galloway, Goldberg and Green absent.

Upon questions by Council Members, Ms. Tekle stated that the most recent meeting with the Texas Medical Center was November 26, 2004, that was the meeting with just the board and some interested homeowners at the Texas Medical Center facility, there was another meeting last year around August 2003 in which the Medical Center expressed that it was acquiring some properties in the neighborhood and was evaluating the possibility of putting a parking garage in the neighborhood and just wanted to make them aware of the plans, however they were under the notion that the possibility was far in advance, that it would not come a year later and were faced not only with a parking lot but with a 500 car multi level parking garage, that they expect to build the parking garage beginning in January 2005, at least that was what they shared with them in the meeting of November 26, 2005, there would be a hearing before the Planning Commission on January 13, 2005 to see whether or not the replatting of those lots would be approved, that their deed restrictions did not expire and in fact their president Mr. Alfred Guajardo led almost a year long effort to get the deed restrictions renewed and it was a very long effort just before this issue happened, that the lots could not be used for commercial purposes. Council Members Galloway, Goldberg, Holm and Green absent.

Ms. Kay G. Schiller, 2805 Lockett, Houston, Texas 77021 (713-741-0650) appeared and stated that she was present in opposition of the Texas Medical Center building a parking garage in their neighborhood and were present asking for the City Council support, that she believed that with their deed restrictions they could be protected from developers of apartment complexes, condos and the like and never dreaming they would have to fight TMC over a parking garage, that not only did their deed restrictions limit buildings to one family dwellings but on page four, section seven of those restrictions they would see that it stated among other things no public garages. Council Members Galloway, Goldberg, Alvarado and Green absent.

Ms. Phillis Snow, 2812 Lockett, Houston, Texas 77021 (713-747-7852) appeared and stated that she was a resident of the neighborhood and was totally opposed to the replatting of the lots so that the Texas Medical Center could build a multi level garage in their deed restricted community, she was also opposed to their acquiring more property so they could come further into their community, that one of the main problems she was concerned with was the traffic. Council Members Galloway, Goldberg, Alvarado, Quan and Green absent.

Ms. Lynn Snow, 6940 Burgess, Houston, Texas 77021 (713-747-5172) appeared and stated that she was a resident of Central City and also worked in the Medical Center, that they did not have to take their neighborhoods back if they did not lose them, that one of the things that made TMC great was that it was a safe and beautiful place, a pleasant place to be, that it had wonderful neighborhoods surrounding it that made that possible, that many other great U.S.



medical centers were located in the middle of urban blight, that Baltimore had even created a live where you work program to try and entice people to come back to living around Hopkins because John Hopkins was in such a dangerous neighborhood, that here in Houston they wanted to live next to the Medical Center and TMC was trying to push them away, that providing convenient parking for 500 people was not a good reason to endanger a historic, vibrant, close knit neighborhood. Council Members Galloway, Goldberg, Alvarado and Quan absent.

Mr. Alfonso Pico, 2905 Lockett, Houston, Texas 77021 (713-747-2259) appeared and stated that he was present in opposition to the parking garage that Texas Medical Center was going to build next to his house, that he had five grand children and they could not be running around in the street anymore because there would be too much traffic in front of his house, that he did not know what kind of problems he would have later on because of all the cars going in and out of the parking garage. Council Members Galloway, Goldberg, Holm, Garcia and Quan absent.

Mr. Simon Boses, 6940 Burgess, Houston, Texas 77021 (747-5172) appeared and stated that he was completely dedicated to the preservation of the Central City neighborhood and opposed any efforts on the part of Texas Medical Center to build a multi level parking garage on Lockett or continue to acquire neighborhood properties for non residential use, that he was present to ask Mayor White and the Houston City Council to support their neighborhood on the issue. Council Members Galloway, Goldberg, Holm, Garcia, Quan and Berry absent.

Mr. Greg Emmert, 2944 Payson, Houston, Texas 77021 (281-935-1470) appeared and stated that it was a wonderful neighborhood and a wonderful place to live and would sure hate to see it go, that he did not own a house in the neighborhood but he lived there and his friends lived there, that he was encouraged to hear that the City Council was interested in some planning involving stake holders and thought the Medical Center had made an attempt to work with the neighborhood but in the end they carried a very big stick so it had not been an even discussion, they came with a plan and how could they smooth it over as best they could, that he really did not believe that the alternatives had been explored. Council Members Galloway, Goldberg, Holm, Garcia, Quan and Berry absent.

Mr. Lee Hood, 6956 Burgess, Houston, Texas 77021 (832-487-0140) appeared and stated that he wanted to make it clear that neither he nor his neighbors were present to put in question the importance of the Medical Center and the services that they provided, the work that they did was incredible to the City and the Houston medical community was second to none in the services that they offered but he was opposed to the replatting of the neighborhood, that he lived in the neighborhood for five years and was a homeowner and believed that alternatives did exist and asked that the City Council work with them and the Texas Medical Center to come up with a solution to help them provide and look at some of the those alternatives. Council Members Galloway, Goldberg, Holm, Garcia, Quan and Berry absent.

Ms. Sara Hood, 6956 Burgess, Houston, Texas 77021 (832-487-0140) appeared and stated that would like to stand alongside her neighbors and neighborhood and say that she was strongly opposed to TMC building their five level parking garage. Council Members Galloway, Goldberg, Holm, Garcia, Ellis, Quan and Berry absent.

Mr. Alfredo Guajardo, 6929 Burgess, Houston, Texas 77021 (713-748-2094) appeared and stated that they had a problem in Central City, that he had lived there for 25 years and knew all of the residents in the neighborhood, that it took them over a year and half to renew their deed restrictions, that they were an inner city neighborhood and were there first before some of those hospitals came in and felt like they were stepping on their deed restrictions, that they did not have zoning in the City and all they had to protect the neighborhoods were the deed restrictions, that it was very important and he was looking for the support of the City Council to help them preserve their neighborhood. Council Members Galloway, Goldberg, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Rhonda Guajardo, 6929 Burgess, Houston, Texas 77021 (713-748-2094) appeared and stated that she was very worried about the traffic coming through and someone getting hit and the people that were rushing through to get to a parking lot, that it put her child and others in jeopardy, that she would appreciate the City Council standing behind them and stopping the parking garage, that it was her hope that TMC would use satellite parking and shuttle their employees in, she thought it was a better idea. Council Members Galloway, Goldberg, Holm, Ellis, Quan and Berry absent.

Ms. Anne Greer, 2944 Payson, Houston, Texas 77021 (713-748-3608) appeared and stated that she first became familiar with the neighborhood in the mid 1980's, that at the time they were closing the Hilton Hotel and getting ready to demolish it to further advance the Texas Medical facility, that she met people in the neighborhood over twenty years ago and she recently moved back to live in the neighborhood and the same people were there, that it was a four and five generation neighborhood. Council Members Galloway, Goldberg, Holm and Berry absent.

Mr. Gary White, 2816 Lockett, Houston, Texas 77021 (713-747-8570) appeared and stated that he had lived in the Central City subdivision since 1993 and lived on Lockett Street, the proposed location of the five story parking garage, that Central City had been in existence since 1938, that he was present to express his opposition to the parking garage and was also present to ask the City Council, as their representatives in City government, to intervene, support and mediate an alternative to the action proposed by the Medical Center. Council Members Galloway, Goldberg and Berry absent.

Upon questions by Council Member Edwards, Mr. White stated that his was a typical family in the neighborhood, he had two children, a three and two year old and expected them to grow up there, that they had families in the neighborhood of all ages and all generations, that more professionals were moving in and it was a multi cultural neighborhood, that it was representative of what Houston looked like. Mayor White and Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Tim Johnson, 201 South Heights, Houston, Texas 77007 (713-320-5497) appeared and stated that he was a future homeowner in the neighborhood and was a member of the Central City Preservation Coalition and would like to ask for the City Council's support in opposing the Texas Medical Center's idea of building a parking garage in the neighborhood, the home that he expected to live in was cattycorner to the parking garage and would not be something he would like to see in the morning as he went to work, that he would like to ask for their support in preserving the neighborhood. Mayor White and Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Patti Aldredge, 6938 Burgess, Houston, Texas 77021 (713-748-8621) had reserved time to speak but was not present when her name was called. Mayor White and Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Gary Edwards, 6944 Burgess, Houston, Texas 77021 (713-747-0530) had reserved time to speak but was not present when his name was called. Mayor White and Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Cynthia Edwards, 6944 Burgess, Houston, Texas 77021 (713-747-0530) had reserved time to speak but was not present when her name was called. Mayor White and Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Sandra Lopez, 2905 Lockett, Houston, Texas 77021 (713-741-0650) appeared and stated that she was Chair of the Central City Preservation Coalition, which was a part of the Central City Homeowner's Association, that they were all wearing red today in an attempt to show their solidarity on the issue, that they were seeing red about the issue as well, that as they could probably tell in their eighteen person representation today they were extremely concerned about the anticipated annihilation of their neighborhood, that the City Council had an opportunity to hear that they were in complete opposition of the TMC proposal to build a multi level garage in their community, further they heard that they were dedicated to doing all that they could to preserve and save their 65 year old treasured and historic neighborhood, that to summarize their concerns, especially about the TMC proposal, they were concerned about violation of the current deed restrictions, they were concerned about threatened use of eminent domain, they were concerned about potential crime and violence, they were concerned about public safety issues for the CCHA children because of increased traffic, they were concerned about health concerns and safety hazards such as pollution due to increased traffic in the area, they were concerned about anticipated problems with drainage and water runoff, they were concerned about decrease in property and resale values and most critically the ultimate destruction of a well established community was one of their greatest concerns, that they believed their concerns were legitimate and real and therefore asked Mayor White and City Council to help support them by the following, first, help them to oppose the construction of the 500 car multi level garage in their community, second, help them by insisting that impact studies be undertaken as suggested by Council Member Edwards related to eight identified areas, public safety, traffic, air and noise pollution, damage to foundations of area residents homes during construction, crime and violence, decline in property values and resale values, drainage and preservation of wild life and trees, third, help them in arranging for a formal meeting before the end of the year with the Mayor, Council Member Edwards, TMC, any surrounding neighborhoods that were likely to be impacted by TMC's master plan, in that meeting they would like to have the opportunity to express their concerns to TMC, and finally, help them in holding TMC accountable in sharing their master plan with the Central City residents as well as the surrounding communities, that they needed their support. Mayor White and Council Members Lawrence, Galloway, Goldberg, Wiseman and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she would like to encourage the City Council, that the community had done everything it was told to do in order to preserve the integrity of the community, they worked to keep their deed restrictions up to par and worked to maintain a multi cultural diversity in their community and worked to maintain the physical beauty of their community and thought it was the City Council's job to help them to do what was necessary. Mayor White and Council Members Galloway, Goldberg, Wiseman and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Lopez stated that if they were interested and supportive of their issue to please check their website at [www.CentralCityHOA.com](http://www.CentralCityHOA.com). Mayor White and Council Members Galloway, Goldberg, Wiseman and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Joy Wilson, 2616 S. Loop West, Houston, Texas 77054 (No Phone) appeared and voiced her personal opinions about employment, insurance and land until her time expired. Council Members Galloway, Edwards and Berry absent.

Mr. Brent Muecke, 4714 Westchester, Pasadena, Texas 77505 (281-487-5522) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards and Berry absent.

Mr. Joseph Omo Omuari, 3829 OST, Houston, Texas 77021 had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards and Berry absent.

Mr. Joseph Desmore, 2910 Fairbanks, Houston, Texas 77026 (No Phone) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards and Berry absent.

Mr. Ovide Ducantell, 2900 Woodway, Ste. 311, Houston, Texas 77087 (713-645-7598) appeared and stated that he was the Executive Director of the Black Heritage Society in Houston, that as they knew they were the organization that brought the Dr. Martin Luther King program on each year, that Dr. King was run out of Houston back in the 1950's when a stink bomb was put into the coliseum when he was here with Harry Belafonte and Aretha Franklin, that it was a sad situation but right now the only organization that was celebrating Dr. King's birthday and holiday were about to be run out of business by a sham operation who was right now stating that they had a 501C3 which they did not. Council Member Berry absent.

Council Member Edwards stated that they received quite a bit of information from Mr. Ducantell's organization challenging the legality of certain organizations and forwarded that to the Legal Department and was curious if they had an opinion on it as of yet, and Mr. Michel state that the issue they were presented with was whether the competing group sought it as a foundation for which it did not have a legal existence because it did not have certification from the State, that Mr. Ducantell provided him with some information which he was having people take a look at right now, and Council Member Edwards stated that there was a question about how people received City services in supporting their events and asked if they had a menu as to how it was done, and Mr. Michel stated that he did not believe they had a menu like that but believed they could put together what services they requested and what the process was and what the cost was for those services, that it depended on the event and the impact of the event and the services required but for comparable events the same services were available, and Council Member Edwards stated that she would appreciate it if he could give them a response in writing so they could have them on record. Council Member Berry absent.

Council Member Edwards asked Mr. Ducantell if he was familiar with Bricker Park because it was the only park who had a bust of Dr. Martin Luther King and was trying to figure out who put it there because they were trying to do some events regarding it and could not find who was responsible for putting it there, and Mr. Duncantell stated that he would do some checking and get that information for her. Council Member Berry absent.

Council Member Galloway stated that she was hoping that they could get some type of resolution to recognize the group who really started it so they would not get the conflict every year as to who would get the parade, but he was the recognized person who had it and hopefully before next year they could have some solution to the problem. Council Member Berry absent.

Council Member Alvarado moved to suspend the rules to remain in session to complete the agenda, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan out of the city. Council Member Berry absent. MOTION 2004-1242 ADOPTED.

Ms. Cynthia Potter, 7010 Finch, Houston, Texas 77028 (713-633-1627) appeared and stated that she had been turned down for disability by the pension office with the City of Houston twice and the person in the office said the reason she was turned down was because she did not send the paperwork back to his office on time, nothing more than the paperwork did get back to his office, she did not know if it was a week or 10 days late, but that was the only reason he turned her down for disability. Council Members Alvarado, Ellis and Berry absent.

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

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and

stated that he was the president and voiced his personal opinions until his time expired. Council Members Lawrence and Berry absent.

Ms. Nia Colbert, 5800 Bayou Bend Ct., No. 706, Houston, Texas 77004 (713-741-7544) had reserved time to speak but was not present when her name was called. Council Members Lawrence and Ellis absent.

At 5:11 p.m. Mayor White stated that concluded the public session and recognized Council Member Holm.

Council Member Holm moved to suspend the rules to consider Item Numbers 42, 14, 22, 26, 43, 44, 41 and 40 out of order, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan out of the city. MOTION 2004-1243 ADOPTED.

42. **ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the adoption of a Photographic Traffic Monitoring System – (**This was Item 20 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS**) – was presented.

After discussion Council Member Wiseman stated that a concern she had with this action was that they were splitting hairs, they were being told they were in compliance with State statutes and were not in violation of the prior Attorney General opinion because the AG opinion had to do with crossing that line on the road and what they were attempting to regulate was being in the intersection, so that was the distinction, that she respectfully disagreed with that and did not think that was what the State intended, that they could not take what was throughout the State a criminal offense and make it a civil offense in Houston, that people were suggesting that they were doing so because they were following money, that they should wait until they got the green light from the State on it, that she could not support the item unless they do it responsibly.

Council Member Edwards stated that her position was that they had to do something about people running red lights and was not convinced that the ordinance was going to be able to do that and stated that her question remained as to why had they opted to say it was a civil piece when they could not force people to pay the fines even if it was \$500, what were they trying to prove, why did they not make it a criminal offense like it was when they got a ticket for running the red light, and also the issue of whether or not the vendor was paid per violation or paid a flat fee, she thought it was a valid concern, and Mr. Michel stated that the reason it was being proposed as civil as opposed to criminal was the cost not only in terms of any money involved but time in order for enforcement, it was going to be much more difficult with criminal than civil because that went through a process of identifying a person rather than a license plate, that the owner had a process by affidavit to state that they were not driving the car at the time and place and it was a defense if they identified the operator by name and address, that they would issue the citation against the operator of the vehicle, if they did not pay the fine it was going to be the same as any other debt against the City, there would not be a warrant issued because it was not part of a criminal process, that they were looking to take action against the vehicle, like booting, which they believed they could do but would explore it closely as to whether they needed additional legislation, that as to her second question, it would be determined through the RFP process where they were going to ask the vendors to put forward the best payment mechanism they thought would work and it would allow the City to make that determination and ultimately City Council.

A vote was called on Item No. 42. Council Members Edward and Wiseman voting no, balance voting aye. Council Member Khan out of the city. ORDINANCE 2004-1312 ADOPTED.

14. **3M COMPANY (Bid No. 4) - \$500,832.44, NIPPON CARBIDE INDUSTRIES (USA), INC.**

**(Bid No. 3)** - \$150,733.63 and **AVERY DENNISON CORPORATION** - \$208,350.77 for Reflective and Non-Reflective Materials for Various Departments - \$886,512.22 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$859,916.84 General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Alvarado.

Council Member Holm stated that last summer Strategic Purchasing said that they had negotiated a new deal with Texas Procurement that they would now be paying 1% instead 3% and she would like to know when that was going to take place, and Council Member Ellis stated that he would appreciate a memo to all Council Members.

Mayor White stated that Mr. Wells was nodding yes that they should be winding their way through and finishing up with the 3%.

A vote was called on Item No. 14. All voting aye. Nays none. Council Member Khan out of the city. MOTION 2004-1244 ADOPTED.

22. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC** to provide \$65,000.00 in Community Development Block Grant Funds and \$250,000.00 in General Funds for the Administration and Operation of the Mobile Outreach Program – was presented.

Council Member Holm stated that she was concerned when they spent General Fund money supporting programming for non profit organizations and thought they really had an obligation to study that and if they continued doing it they had to have some kind of process in order to understand which organization they were going to fund and why they were going to fund them.

A vote was called on Item No. 22. Council Member Holm voting no, balance voting aye. Council Member Khan out of the city. ORDINANCE 2004-1313 ADOPTED.

26. ORDINANCE approving and authorizing contract between the City and **HOWELL MIMS ASSOCIATES, L.L.C.** for Building Permit Reform Project - 1 Year - \$96,500.00 - Building Inspection Fund – was presented, and tagged by Council Member Holm.

43. ORDINANCE approving and authorizing tenth contract amendment between the City of Houston and **GANO, INC (GULFTON AREA NEIGHBORHOOD ORGANIZATION, INC)** to provide for an extension of such contract and additional funding in the amount of \$100,000.00 to cover costs associated with the Operation of the Day Labor Site Program located at 6909 Hillcroft - Grant Fund - **DISTRICT F - KHAN – (This was Item 34 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. Council Members Lawrence, Wiseman, Holm, Ellis and Berry voting no, balance voting aye. Council Member Khan absent. ORDINANCE 2004-1314 ADOPTED.

44. ORDINANCE approving and authorizing contract between the City of Houston and **NEIGHBORHOOD CENTERS, INC** to provide \$90,000.00 in Community Development Block Grant Funds to Operate a Day Labor Program in the East End/Second Ward Area - Grant Fund **DISTRICT H - GARCIA – (This was Item 35 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. Council Members Lawrence, Wiseman, Holm, Ellis and Berry voting no, balance voting aye. Council Member Khan absent. ORDINANCE 2004-1315 ADOPTED.

41. ORDINANCE approving and authorizing contract between the City and **JOHNSON AND JOHNSON**, a partnership, to represent the City before the 79th Texas Legislature and State Agencies; providing a maximum contract amount - 1 Year - \$595,000.00 - General

Fund – (**This was Item 19 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS EDWARDS, ELLIS, WISEMAN and SEKULA-GIBBS**) - was presented.

Council Member Berry stated that one of the comments that kept coming up was if they allowed very much Council input then they would have their favorite on the team, that he was sure all of the Council Members were asked for their input on the development of the team, that he thought Ms. Ann Travis put together the best team she possibly could but his question would be the amount of input the Council would have in developing something like this, and he really did not feel that his input was very well taken, that like some of his colleagues he made a suggestion of an individual, who by his call was very well respected in Austin and the response he got back from him was that he did not get much attention, that all he would say was that he did not want his brother or his cousin or his wife or his business partner to be hired on the team but expected that Council's input would be sincerely and honestly reviewed and to some extent incorporated, that at the end of the day they were all around the table with one goal and that was to make sure that the citizens of Houston were well represented in Austin, that he wanted to make sure they put their best foot forward and were concerned that they had not done that, that he hoped moving forward he would not have that feeling.

Mayor White stated that the issue of feedback and input and how they would be responsive to Council's suggestions while preserving the framework where some of the principal guidance had tended to be from the members of the Legislator, particularly those in leadership positions and in that connection sometimes comments were solicited, which by their very nature must be kept confidential so that nothing was said when there were two alternative candidates, that he wanted them to help him think how they communicated back on those things in a way that preserved the candor of people's input to them that was customer driven by the people they were trying to lobby and yet assures Council Members that their input had been considered, he would appreciate that.

Council Member Edwards stated that she was concerned about the whole process, that for the last two weeks she had asked to have the resumes of the people selected and to understand the process, that she got the information yesterday afternoon about 4:45 p.m. and there was nothing she could do when they were voting on it the next day, that she had the list of the people that they were supposed to lobby and did not know if there was a conflict of interest because she never had the opportunity to discuss it, that she would like the opportunity to participate, that she was not talking about the people who were on the list, she was talking about how they got involved in the process and based on that she could not support the item because she did not understand.

After further discussion a vote was called on Item No. 41. Council Members Edwards, Wiseman and Berry voting no, balance voting aye. Council Member Khan out of the city. ORDINANCE 2004-1316 ADOPTED.

40. ORDINANCE approving and authorizing first amendment to Meet and Confer Agreement between the City and the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM ("HMEPS")** relative to provisions for Group C Participants – (**This was Item 18 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented. Council Member Holm absent.

Council Member Goldberg distributed an article from the Houston Chronicle entitled "End of the Perk" and read from the article and after a lengthy discussion by Council Members a vote was called on Item No. 40. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1317 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item No. 31 out of order. Mayor White stated that if there was no objection it was so ordered. Council Member Holm absent.

31. ORDINANCE appropriating \$1,286,864.00 out of Street & Bridge Consolidated Construction Fund, \$653,585.00 out of Water & Sewer System Consolidated Construction Fund, and \$326,792.00 out of Drainage Improvements Commercial Paper Series F Fund and approving and authorizing second amendment to Program Management Services Agreement (approved by Ordinance No. 99-0661) between the City of Houston and **ATSER, LP** for Construction Management Services, CIP N-0668-05-2, S-0500-05-2, R-0500-05-2, M-0126-PM-2 – was presented. Council Member Holm absent.

Council Member Galloway stated that on this item it fell below the goal for MWBE participation however the owner had agreed to increase the MWBE participation to an additional 1% and increase it to 16.3%, that she did not know if she should amend it, that it would make up for not meeting the goal on the previous one, that she wanted it on the record. Council Member Holm absent.

A vote was called on Item No. 31. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1318 ADOPTED.

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

**ORDINANCES**

16. ORDINANCE approving Amendment No. 1 to Credit Agreement relating to City of Houston, Texas, Subordinate Lien Hotel Occupancy Tax and Parking Revenue Commercial Paper Notes, Series A; resolving other matters incident and related thereto, approving the use of an Updated Offering Memorandum in connection with the sale of such Commercial Paper Notes; authorizing a Co-Bond Counsel Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1319 ADOPTED.
17. ORDINANCE **AMENDING ARTICLE II OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Planning Commission – was presented. Council Member Holm absent.

Council Member Galloway stated that she had a concern on the ordinance and did not think it went to any particular committee and would like to tag the item and in the meantime they could go before the committee so they could answer some questions, and Mayor White stated that he understood that Council Member Goldberg had agreed to hold a committee hearing on it and the record would reflect that the item had been tagged. Council Member Holm absent.

Council Member Garcia stated that he wanted to applaud Mayor White for the ordinance it really went to broadening the scope of what needed to be happening at the Planning Commission and how many other participants it needed to have, that he respected that it would be going before the committee but wanted to acknowledge the value that having those ex officio members on there would bring to the process. Council Member Holm absent.

21. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC** providing up to \$800,000.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds for the Administration of a Tenant-based Rental Assistance Program - Grant Fund – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1320 ADOPTED.
23. ORDINANCE approving and authorizing agreement between the City of Houston and **B'NAI B'RITH SENIOR CITIZENS HOUSING COMMITTEE OF HOUSTON, INC** using



Federal "CDBG" Funds to provide a Performance-Based Grant in the amount of \$2,304,566.00 to Rehabilitate Goldberg Towers, an apartment Complex located at 10909 Fondren Road, Houston, Texas, to House Low and very-low income elderly residents - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1321 ADOPTED.

24. ORDINANCE appropriating \$500,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund (Fund 872); approving and authorizing agreement between the City of Houston and **LANSBOUROUGH APARTMENTS, L.P.**, by and through its sole general partner, Lansborough Apartments I, LLC, to provide a loan in the amount of \$500,000.00 for financing a portion of land acquisition costs in connection with the construction of an apartment complex at 10050 Cullen Blvd., Houston, Texas, to house low and very-low income families - **DISTRICT D – EDWARDS** – was presented. Council Member Holm absent.

After a lengthy discussion by Council Members, a vote was called on Item No. 24. Council Member Berry voting no, balance voting aye. Council Member Khan out of the city. Council Members Holm and Ellis absent. ORDINANCE 2004-1322 ADOPTED.

29. ORDINANCE approving and authorizing contract between the City of Houston and **CITY OF PASADENA** for Household Hazardous Waste Disposal Services – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Members Holm and Ellis absent. ORDINANCE 2004-1323 ADOPTED.
30. ORDINANCE approving and authorizing amendment to Untreated Water Supply Contract between the City of Houston and the **BAYTOWN AREA WATER AUTHORITY** - Revenue – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Members Holm and Ellis absent. ORDINANCE 2004-1324 ADOPTED.
33. ORDINANCE appropriating \$270,191.60 out of Parks Consolidated Construction Fund, awarding construction contract to **SUMMERLIN CONSTRUCTORS, INC d/b/a SUMCO, INC** for Construction of Aron Ledet Park, GFS F-504B-19-3; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Members Holm and Ellis absent. ORDINANCE 2004-1325 ADOPTED.

**MATTERS HELD** - NUMBERS 37 through 52

37. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation for approval of City of Houston Legislative Principles for the 79th Session of the Texas Legislature – **(This was Item 5 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Members Holm and Ellis absent.

After discussion by Council Members, Mayor White stated that they discussed from time to time how to be most inclusive and was informed that the first meeting of the committee as a whole would be on January 21, 2005 at 9:30 a.m., that whether it be monthly or every two months they would need to get back and forth with the team, that sometimes they would use the Mayor's Report time. Council Member Holm absent.

After further discussion a vote was called on Item No. 37. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. MOTION 2004-1245 ADOPTED.

38. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,685,555.00 and acceptance of work on contract with **THE TREVINO GROUP, INC** for Construction of Fire Station 27, GFS C-0072-01-3 - 07.63% over the original contract amount **DISTRICT H - GARCIA – (This was Item 7 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS GREEN and GALLOWAY)** – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. MOTION 2004-1246 ADOPTED.
39. RESOLUTION approving and adopting a Revised Investment Policy for City of Houston – **(This was Item 17 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. RESOLUTION 2004-0024 ADOPTED.
45. ORDINANCE approving and authorizing agreements terminating Tax Abatement Agreements between the City of Houston, Texas, **BMC SOFTWARE, INC** and **BMC SOFTWARE TEXAS, L.P.** - **DISTRICT G - HOLM – (This was Item 37 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1326 ADOPTED.
46. ORDINANCE consenting to assignment of tax abatement agreement between the City of Houston, Texas, **CABOT OIL & GAS CORPORATION** and **DNA COG, LTD** to **1200 ENCLAVE OWNER, L.P.** - **DISTRICT G – HOLM – (This was Item 38 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1327 ADOPTED.
- 46A. ORDINANCE approving and authorizing amendment to Tax Abatement Agreement between the City of Houston, Texas, **1200 ENCLAVE OWNER, L.P.** and **CABOT OIL & GAS CORPORATION** for certain property located within the **CABOT OIL & GAS REINVESTMENT ZONE** - **DISTRICT G - HOLM – (This was Item 38 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1328 ADOPTED.
47. ORDINANCE approving and authorizing amendment to the Tax Abatement Agreement between the City of Houston, Texas, **MALLOY REAL ESTATE LIMITED PARTNERSHIP, LTD.** and **ACTION BOX COMPANY, INC** for certain property located within the Action Box Reinvestment Zone – **(This was Item 39 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1329 ADOPTED.
48. ORDINANCE approving and authorizing amendment to the Tax Abatement Agreement between the City of Houston, Texas, **TMX REALTY, INC, INTROGEN THERAPEUTICS, INC, AMELANG PARTNERS, INC** and **THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS** for certain property located within the **INTROGEN THERAPEUTICS REINVESTMENT ZONE** – **(This was Item 41 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1330 ADOPTED.
49. ORDINANCE approving and authorizing amendment to the Tax Abatement Agreement between the City of Houston, Texas, **OFFICE DEPOT OF TEXAS, L.P.** and **PLAYA MAR**

**PROPERTIES I, LLC** for certain property located within the **OFFICE DEPOT REINVESTMENT ZONE – (This was Item 42 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1331 ADOPTED.

50. ORDINANCE approving and authorizing amendment to the Tax Abatement Agreement between the City of Houston, Texas, **CG7600, L.P. and RTI FABRICATIONS, L.P.** for certain property located within the **EXTRUSION TECHNOLOGY REINVESTMENT ZONE – (This was Item 43 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1332 ADOPTED.
51. ORDINANCE approving and authorizing amendment to the Tax Abatement Agreement between the City of Houston, Texas, **SPIEGEL FAMILY VENTURE 8, ACTIVE WEST, INC and UNITED STATIONERS SUPPLY CO.** for certain property located within the **UNITED STATIONERS SUPPLY REINVESTMENT ZONE – (This was Item 44 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1333 ADOPTED.
52. ORDINANCE approving and authorizing amendment to the Tax Abatement Agreement between the City of Houston, Texas and **ALLIANT FOODSERVICE, INC** for certain property located within the **ALLIANT FOODSERVICE REINVESTMENT ZONE – (This was Item 45 on Agenda of December 15, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Khan out of the city. Council Member Holm absent. ORDINANCE 2004-1334 ADOPTED.

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

Council Member Wiseman stated that she was pleased that the San Jacinto Rail project was done, it was not going to happen and wanted to thank Mayor White for all the work and his effort on it, that it was truly a collaborative effort, that on every level they all came together and did not want to leave out the people who stuck with it from the very beginning and behaved themselves so well which showed the kind of class they had and those were the citizens of the committee, that she wanted to thank them and wish them a Merry Christmas. Council Members Holm and Berry absent.

Council Member Galloway stated that Mr. Ed Wendt, who was best known as a Hepatitis C advocate was having chemotherapy, that he was pleased for the creation of the task force, that he was having treatments for lung Cancer and was still battling Hepatitis C, that they wanted him to keep the faith and their prayers were with him. Council Members Goldberg, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Galloway stated that she wanted to thank everyone who gave to her annual holiday toy drive, that it was a great success and there were 450 young people that they gave toys to. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Galloway stated that Fire Station No. 39 was not far from her house and she put in a request to get the parking area reconstructed because they had huge potholes, that there should be some record of it somewhere, that she wanted somebody in Public Works to get the project moving and get some help for those brave firemen over there who were fighting the cause. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs, Green and

Berry absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she wanted to wish everyone a Merry Christmas. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he wanted to wish everyone Happy Holidays. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 6:15 p.m. Council Member Khan out of the city. Council Members Lawrence, Goldberg, Holm, Garcia, 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

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Anna Russell, City Secretary