

City Council Chamber, City Hall, Tuesday, June 22, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 22, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present.

At 2:02 p.m. Mayor Pro Tem Alvarado stated that Council would begin with presentations and Council Member Khan would begin. Council Member Khan stated that today they were honoring Ms. Marjorie Smith Griffin for her life long service to children and invited her to the podium. Council Member Khan stated that Houston was blessed with contributions of providers in the child care industry and Ms. Griffin had cared for over 150 children and presented her a Proclamation commending her and wishing her continued success and proclaimed Tuesday, May 6, 2004, as "Marjorie Smith Griffen Day" in Houston, Texas. Mayor White, Council Members Galloway, Wiseman, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Green stated that today the Endeavors Circle of Love Foundation was present recognizing fathers of the year and had certificates to present to Mayor White, Council Member Quan, Council Member Ellis, Council Member Garcia, Council Member Khan, Council Member Berry and Council Member Green. Council Members Wiseman and Quan absent.

At 2:17 p.m. Mayor White called the meeting to order and stated that Council Member Berry would lead in the prayer and in the pledge of allegiance. Council Member Berry invited the Chancellor and Moderator of the Diocese of Galveston/Houston Monsignor Frank Rossi to the podium to lead all in prayer and he led in the pledge of allegiance Council Members Wiseman and Quan absent.

At 2:18 p.m. the City Secretary called the roll. Council Members Wiseman Ellis and Quan absent.

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

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Mr. Robert Bartlett, at the top of the three minute non-agenda speakers, seconded by Council Member Khan; and hearing no objections Mayor White stated it would be done by unanimous consent. Council Members Wiseman, Ellis and Quan absent.

Council Member Khan moved that the rules be suspended for the purpose of hearing Ms. Cherye Hill, Mr. Don Jacobson and Mr. Tom McKittrick after Mr. Robert Bartlett and added Ms. Sonny Johnson at the end of non-agenda speakers, seconded by Council Member Sekula-Gibbs; and hearing no objections Mayor White stated it would be done by unanimous consent. Council Members Wiseman, Ellis and Quan absent.

At 2:20 p.m. the City Secretary began calling speakers. Council Members Wiseman and Quan absent.

Ms. Larissa Lindsay, 1816 Kane, Houston, Texas 77007 appeared and spoke in favor of Agenda Item 15, and stated that setting a prevailing lot size application for 10 blocks in the Old Six Ward District was one tool that would help save the neighborhood; and urged Council's support. Council Members Wiseman and Quan absent.

Council Member Garcia stated that he was proud of District H residents for bringing such applications to Council for approval and he did agree it was the best tool they had to preserve neighborhoods. Council Members Wiseman and Quan absent.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) appeared and stated that he was speaking on Agenda Item 22 along with a couple of other items and as the Administration moved slowly to implement corrective procedures and cure problems cited by HUD there were partial interruptions of funds and not one director had been held accountable; on another item he was hoping the Administration would have an elevated concern over the previous Administration when it came to lead environmentally; that his last item was the Mayor may be endorsing the proposed transit plan and he was hoping for more rubber tire solutions after the train accidents. Council Members Wiseman and Quan absent.

Ms. Jane Cahill, 2112 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that she was a member of the Consolidated Plan Citizens Advisory Task Force and last year community members urged the City to allocate funds to the mentally disabled; that they were identified in the plan for eligible funding but continued to be disregarded and they were critically in need of dayservices, transportation and housing; that Council Member Quan asked for \$300,000 of reprogrammed funds in a letter to assist in the form of a grant; and she was urging Mayor White to respond favorably to such a needy population. Council Members Wiseman and Quan absent.

Mayor White stated that he appreciated Ms. Cahill bringing that to his attention as he had not had an opportunity to review it but that he would. Council Members Wiseman and Quan absent.

Ms. Debra Crumbley, 9888 Bissonnet #420, Houston, Texas 77087 (713-271-1177) appeared and stated that she was a representative of the Endeavors Foundation, a foundation working with people with disabilities, and was asking for the possibility of them being involved with the city and the community development block grant which would entitle the disabled population to have modification in housing to suit them. Council Members Wiseman and Quan absent.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Ms. Gloria Torres out of order and add Ms. Secherst Godfrey to follow her, seconded by Council Member Alvarado; and hearing no objections Mayor White stated it would be done by unanimous consent. Council Members Wiseman and Quan absent.

Ms. Terri Thomas, 214 Caruthers Lane, Houston, Texas 77024 (713-806-1902) appeared, presented information and stated that she was present representing the Spring Branch Memorial Chapter of Mothers for Clean Air and in the article presented it spoke on the 2025 Regional Transportation Plan; that they hoped Council would read the article and would make changes to the plan and protect the neighborhoods as health should become a number one issue. Council Members Wiseman and Quan absent.

Mr. Robert Bartlett, 8119 Wilmerdean, Houston, Texas 77061 (713-645-6310) appeared, presented information and stated that he served as chairman of the Houston Commission on Disabilities and was present asking that improvements on transportation and mobility be key goals for the City of Houston for those with disabilities by first the sidewalk program, secondly audible pedestrian signals and third access at a construction site, not having access ways blocked by materials, etc.; that all pedestrians safety should be improved and they had suggested sources of funding in the letter presented. Council Members Wiseman, Garcia, Quan and Berry absent.

Council Member Sekula-Gibbs stated that they did appreciate those matters being brought to their attention; that safe sidewalks was an issue all around the city and she was interested in

the sources of funding. Council Members Edwards, Quan and Berry absent.

Council Member Lawrence stated that as Mr. Bartlett received information she wanted to make sure he would share it with her office; that she was in San Antonio and all Downtown there were such crossings and she appreciated his input. Council Members Edwards, Quan and Berry absent.

Ms. Cherye Hill, 6517 Sharpview, Houston, Texas 77074 (713-776-1628) appeared and stated that she lived in Southwest Houston and present regarding the proposed construction of a 100 feet wireless cellular tower just outside the fence of Bayland Park; that there was an existing tower across the street Sprint could use and they were against the tower for health reasons and the fact it was visual pollution; that the Tower Commission had not met in three years and yet today they scheduled a meeting on the tower at the same time as this meeting and she did not think that was coincidental; and urged that Council Members look at their areas for such towers and give their support. Council Members Edwards, Quan and Berry absent.

Council Member Khan stated that he would request Mayor White look at the ordinance which called for no cell towers inside parks and yet one foot right outside the park they would build one; that secondly he understood the Tower Commission had not met for three years and if people wanted to serve they should be proactively doing it and maybe those on it now should be replaced. Council Members Quan and Berry absent.

Mayor White stated that he was told this was not a routine thing that came up and he would like the benefit of wisdom of elected officials as to the ordinances or procedures under the ordinances; that balance did need to occur and he thought the Administration could use that from the Regulatory Affairs Committee; and Council Member Goldberg stated that was not only appropriate but needed, at least an overview, an explanation from the Legal Department regarding when rules applied and when they did not as he was told the tower would be exempt and there was no reason to even hold a committee hearing, but maybe the committee should review and make sure there was a standard for every cell tower. Council Members Quan and Berry absent.

Council Member Edwards stated that the Alameda Plaza area was undergoing the same situation with the cell tower being erected and if he would put them on his list also she would appreciate it. Council Members Quan and Berry absent.

Mr. Don Jacobson, 7622 Hillcroft, Houston, Texas 77081 (713-771-7212) appeared and stated that he operated a business in Southwest Houston and he was located at Hillcroft at Bissonnet; that he learned his neighbor was leasing a portion of his ground for the tower and it would be within 100 feet of his business; that the property backed to Bayland Park and they could only guess at the danger of the electromagnetic field surrounding such towers as studies suggested harmful affects with those having pacemakers, etc.; that the city should survey the distance, all other cellular companies used the tower so why would Sprint need a new tower; that the proposed site was wrong and many residents opposed it. Council Member Quan absent.

Council Member Goldberg stated that measuring was an issue and it surprised him the City would just take the word of a company and not measure themselves; and he was glad they brought it to their attention. Mayor White and Council Member Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that there was no proof cell towers interfered with pacemakers; and Mr. Jacobson stated that there were articles proving that they were. Council Member Sekula-Gibbs stated that you could usually find articles confirming both sides of an issue and she did not want people alarmed. Mayor White, Council Members Goldberg and Quan absent. Mayor Pro Tem Alvarado presiding.

Mr. Tom McKittrick, 1111 Guinea Drive, Houston, Texas 77055 (713-465-4827) appeared and stated that he was a member of the Citizens Transportation Coalition and their main message was to question the proposed HGAC 2025 Regional Transportation Plan set for vote on Friday; that they strongly favored a transportation planning process open and fair to all and changes made since the comment period ended and had no public scrutiny and may be camouflaged; that the CTC and other concerned citizens hoped the Mayor and Council would press for critical changes to fix the plan and protect neighborhoods in Houston. Mayor White, Council Members Goldberg and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she would like to speak with Mr. McKittrick about issues she had and get his input and analysis; and Mr. McKittrick stated that he would be happy to do so. Mayor White and Council Member Quan absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Mr. McKittrick stated that the public comment period ended May 4th and since there had been numerous changes, however, they had not had an opportunity to discuss the changes to know if they were serious and while there were changes the dollar amount had not changed. Mayor White, Council Members Goldberg and Quan absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Garcia, Mr. McKittrick stated that they had attended meetings and he knew a number of representatives from surrounding counties were there and of late city representatives, but he was not sure how many or how often; that it was only hearsay but he understood the city had not been active for sometime though since the new Council Members took position on the Council they were in attendance. Council Members Goldberg and Quan absent.

Council Member Holm stated that she would be meeting with the Citizens Transportation Coalition on Friday and it was critical to adopt a plan Friday in order to seek funding and this was the beginning process of accepting what was needed. Council Members Goldberg, Ellis, Quan and Green absent.

Mayor White stated that he respected what they were doing as they took time to be interested and understand the details and it was not so much that citizens had been excluded, but now there was a real keen interest and urgency in understanding how lives could be affected and it needed a level of professional support and resource and he believed they were all on the same wave link. Council Members Goldberg, Ellis, Quan and Green absent.

Council Member Wiseman asked for a point of personal privilege and introduced a group of students in the District E Summer Junior Page Program and asked them to stand to be recognized. Council Members Goldberg, Ellis, Quan and Green absent.

Ms. Gloria Torres, 816 Kelly, Houston, Texas 77009 (713-694-9750) appeared and stated that she and her family were losing their struggle for the "American Dream"; that she was let down by the government and disability; that her four children combined missed over 50 days of school to care for her and disability let her down because of the diagnosis on the application; that they were unaware of the other reasons why she was disabled; that they had gone without lights, food and water and she was told by some to come back for help when her husband left and in 30 days they would be out on the street. Council Members Goldberg, Ellis, Quan and Green absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time to Ms. Torres to speak by one minute; and hearing no objections Mayor White stated it would be done by unanimous consent. Council Members Goldberg, Ellis, Quan and Green absent.

Ms. Torres further stated that there was an agency that would help them, but their hands were tied because they had a cosigner on their house of 13 years, they were down two payments and if the Social Security Office would check they would find she was disabled and help was needed. Council Members Goldberg, Ellis, Quan and Green absent.

Upon questions by Council Member Khan, Ms. Torres stated that they were \$2,000 behind in their house notes and because of a third party they did not qualify; that they were hoping someone could help expedite her disability so they could get help. Council Members Goldberg, Ellis, Quan, Green and Berry absent.

Council Member Garcia stated that it was incredible that sometimes someone would work so hard and be just outside the reach for help; that his staff had information from her and they would be following up with Ms. King; and he was sorry she had to come today. Council Members Goldberg, Ellis, Quan, Green and Berry absent.

Council Member Edwards stated that they would work with Council Member Garcia, but this was systemic of a lot of people in the city trying to do the right thing and the issue needed to be looked at because with the CHIPS program folding there would be more and more of such cases. Council Members Goldberg, Ellis, Quan, Green and Berry absent.

Mayor White stated that in looking at the dropout rate many times what happened was someone was disabled and not able to make a home or car payment and then someone would dropout for a couple of months to help, but when going back they were behind and unable to catch up so they dropped out and it came at a big sacrifice; and he would like Ms. Stiner to take a look and see if she could find something to help. Council Members Goldberg, Ellis, Quan, Green and Berry absent.

Ms. Secherst Godfrey, who was previously added to the speakers list, appeared and stated that she had known Gloria and her family since the early 1990s; that she was available to help whenever needed and would help her with trips to the hospital and in keeping her bills straight; that she loved Gloria Torres and she was a wonderful friend and wonderful person in the community; that she did have to sleep a lot because of her pain medicine. Council Members Goldberg, Ellis, Quan, Green and Berry absent.

Council Member Garcia stated that Ms. Godfrey was a good neighbor and friend and they would try and look for the right network for support of Ms. Torres. Council Members Goldberg, Wiseman, Khan, Alvarado, Ellis, Quan and Berry absent.

Mr. Samuel Trostle, 725 Bellerive Drive, Houston, Texas 77036 (713-266-1759) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Wiseman, Khan, Alvarado, Ellis, Quan and Berry absent.

Mr. Rigo Deleon, 5502 Cherry Creek, Houston, Texas 77017 (713-794-2025) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Wiseman, Khan, Alvarado, Ellis, Quan and Berry absent.

Mr. John Johnson, 7102 Windemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he was having a problem at 3300 Main as his plans were not being looked at; and he wanted to know what steps he needed to take to get his plans looked at accurately and fairly. Council Members Goldberg, Wiseman, Khan, Alvarado, Ellis, Quan and Berry absent.

Mayor White stated that Ms. Hargrove with Planning was supposed to be present, but the gentleman standing in the back would speak with him. Council Members Wiseman, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs and Berry absent.

Ms. Sharon Alexander, 4331 Oxford, Houston, Texas 77022 (281-445-6940) appeared

and stated that in 2001 she went to jail for a bad check and last year she received a letter stating there was a warrant for her arrest because of a bad check, but it was the same one she had paid for; and she was wanting to know how to get it all cleared up. Council Members Wiseman, Khan, Alvarado, Ellis, Quan, Sekula-Gibbs and Berry absent.

Council Member Lawrence stated that if she would call the Judge's office they would guide her through the process; and Ms. Alexander stated that she called and they said there was a warrant for her arrest. Council Member Lawrence stated that she should revisit the office and if nothing could be done she could call her office. Council Members Wiseman, Khan, Alvarado, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that the NAACP had a legal clinic every Saturday morning and she would suggest she get legal advice. Council Members Khan, Alvarado, Quan, Sekula-Gibbs and Berry absent.

Dr. James Marback, 1627 W. Sam Houston Parkway, Houston, Texas 77042 (713-205-4255) appeared and stated that he had a disability also but did not claim it and he could not understand why Council took people with disabilities and put them ahead of others; that he had a skin care clinic he was trying to build out at Intercontinental and they would be leasing or buying from the City of Houston if they were willing and it would bring revenue to the city. Council Members Khan, Quan and Berry absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Khan, Quan and Berry absent.

Mr. Charles Smoot, 9888 Bissonnet #420, Houston, Texas 77087 (713-271-1177) appeared and stated that he was present on behalf of the Endeavors Foundation, an advocacy group for people with disabilities, and was present to discuss housing and a program they would like the city to consider; that the Smart Program was designed to provide funding for small modifications to homes for those with disabilities and they were proposing the program get city funding. Council Members Wiseman, Garcia, Green and Berry absent.

Council Member Quan stated that he wanted to thank Mr. Smoot for coming and speaking on visitability features; that society as they aged needed to be accommodated and they were trying to emphasize to builders it was the way to go. Council Members Wiseman, Garcia, Green and Berry absent.

Ms. Thelma Scott, 9888 Bissonnet #420, Houston, Texas 77036 (281-872-5084) appeared and stated that as a commissioner on People with Disabilities in the Endeavors Foundation she was an advocate for people with disabilities; that they were setting a meeting with Council Member Quan as they would like a partnership with the City of Houston in making housing accessible for the disabled. Council Members Garcia, Green and Berry absent.

Mr. Troy Myree, 3214 Elmcrest Drive, Houston, Texas 77088 (281-447-7729) appeared and stated that he spoke with Council Member Lawrence about the gross disparities in accessible housing for the disabled; that doors were too narrow, etc., and this was not where people should come to plea but everyone had the potential as time went by to develop a disability and cause them to make changes to their home. Council Members Garcia, Green and Berry absent.

Council Member Lawrence moved that the rules be suspended for the purpose of extending time for Mr. Myree to speak by one minute; seconded by Council Member Quan and hearing no objections Mayor White stated it would be done by unanimous consent. Council Members Garcia, Green and Berry absent.

Mr. Myree stated that near him were senior citizens living in houses alone and they did not comply with their basic needs; that when he went to the court house there was a sign above the doorbell saying push for assistance and he pushed it twice then a security guard came to let him in and that was not his job to be a doorman, the city should make sure the disabled had access. Council Members Garcia, Green and Berry absent.

Upon questions by Council Member Khan, Mr. Myree stated that the number of people to be served with the funding they were asking would depend on the individuals and their individual needs. Council Members Garcia, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Edwards, Ms. Scott stated that Ms. King was working with them on the project and Council Member Quan would bring it to the Housing Project; that they were advised to bring it to Council. Council Members Garcia, Sekula-Gibbs, Green and Berry absent.

Ms. Norma Hines, 9888 Bissonnet #420, Houston, Texas 77036 (713-271-1177) had reserved time to speak but was not present when her name was called. Council Members Garcia, Sekula-Gibbs, Green and Berry absent.

Mr. Larry Edwards, 5722 Darlinghurst, Houston, Texas 77085 (832-877-4335) appeared and stated that he lived in the Windsor Village Subdivision on June 8th there was a city water pipe which busted and flooded his home; that he made numerous calls trying to get help for his family and today he was trying to find out what could be done and why it was not being treated as an emergency. Council Members Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that others were present on this same item and to let them know he had asked for a report from the Director of Public Works and Housing and Community Development the morning after the night of the incident and there would be applications and then process them as soon as possible; that they identified a source of funding and assessed the damage and had budgetary allocations for those in this situation with no homeowners insurance and repairs would begin immediately after forms were filled out; that there was more detailed criteria for the program so it would not be just applied in one case and he wanted to make sure Council Member Edwards had something formalized; that they could fill out forms today and the director of Housing and Community Development knew to process them; that there were legal and budgetary issues to deal with and now there was a program in place to deal with such incidents and he believed they were ready to go; that Mr. Davis was present and could assist individuals. Council Members Lawrence, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was out the morning it happened talking to neighbors, but she was told his family had already left; that they were referred to agencies for help and there was no direct center where the city could do this, but Mayor White had come up with a project that would probably bring him assistance and she applauded him for that; and encouraged him to fill out the forms and stay in touch with her office. Council Members Lawrence, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Alfred Porter, 5726 Darlinghurst, Houston, Texas 77085 (713-723-9168) appeared and stated that he also lived in Windsor Village community and they thanked Council Member Edwards for coming out that morning, it was appreciated; that the city water main started about 12:40 p.m. and it was about 4:30 a.m. before the water company came out; that they made calls to no avail and their homes and yards were ruined; that there was a strong odor in the air and many complained of headaches, burning eyes and difficulty in breathing; and he wondered if something could be done about drainage so it would not happen again. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

(NO QUORUM PRESENT)

Mayor White stated that it was the City's fault and the issue they had was to figure out where they got the money and how they distinguished dealing with this from a case where a claim may be made and it was less clear. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she could not say more than what he and the Mayor said; that this may provide a template for the future; and thanked him for his patience. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Upon questions by Mayor White, Council Member Edwards stated that she had not been given a briefing on the situation. Mayor White stated that 311 was changing out their phone lines and anyone could make a mistake but he was assessing a lot and he had respect for experienced people and 311 was not the easiest job in the world and he wanted to thank those who did a good job and worked hard there, but the failure to have backup that night was inexcusable; and Council Member Edwards stated that such things were going to happen as they were human and they did work with things that broke down and malfunctioned, but there had to be a better attitude when you called regarding consequences of that; and PublicWorks was there as soon as they knew about it; and she would commend the neighborhood on being as reasonable as they were. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Council Member Goldberg stated it was times like this he regretted the Charter not allowing them to go into an executive session to discuss it, but state law did not allow the city to give away public funds and that did have to be protected, but using the Mayor's judgment he thought they should air on the side of helping the people in any way the Legal Department allowed. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that Mr. Vanden Bosh had been telling Council time and time again about the condition of pipes and they did need to aggressively work on them. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Ms. Sharon Porter, 5726 Darlinghurst, Houston, Texas 77085 (713-728-2057) appeared and stated that she was a resident of the Windsor Village Subdivision and also a victim of the water main break; that there were several concerns such as the smell in the air, the rising water and the uncertainty of when it would stop and where it was coming from; and thanked all those who had been helpful to her in trying to assist in some way. Council Members Lawrence, Galloway, Goldberg, Wiseman, Sekula-Gibbs, Green and Berry absent.

Mayor White thanked Ms. Porter for coming; and Ms. Porter stated that some of their damage was not assessed as it was found after the assessment and some had not had their problems assessed as yet. Council Members Lawrence, Galloway, Goldberg, Wiseman, Sekula-Gibbs, Green and Berry absent.

Upon questions by Mayor White, Ms. Porter stated that she was told the damage would probably not be included in the report; and Mayor White stated that there was a process and the city did not just have an adjuster hanging around, but he asked that one be sent out and if there was something he had not seen there should be a way to accommodate it. Upon questions by Mayor White, Mr. Heilman stated that they would notify the adjuster and he would go back and inspect the damage; and Mr. Michel stated that he would speak to her and get specifics. Council Members Lawrence, Galloway, Goldberg, Wiseman, Sekula-Gibbs, Green and Berry absent.

Ms. Sheila Jackson, 5806 Darlinghurst, Houston, Texas 77085 (713-728-2057) appeared and stated that her mother was 81 years old and had little education, but her big thing in life was

owning a home to pass onto her children and she was asking Council to find a way to expedite repairs as she did not have time to start over; that there was also a systemic problem in the way the Water Department answered calls of citizens and she would like it looked into so they could categorize leaks from minor to severe and respond to those worse ones first. Council Members Galloway, Goldberg, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards requested a list of all those who had been contacted by the adjusters; and Mr. Michel stated they would get it for her right away. Council Members Galloway, Goldberg, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Rayla Johnson, 5802 Darlington, Houston, Texas 77085 (281-874-2839) appeared and stated that she was also a victim of the water main break in Windsor Village and her neighbors covered most of what she was to say, but she did want to reiterate the fact they wanted to know whether the water which came into their homes had any chemicals, etc. as the smell was still there; that she also wanted to reiterate that they could not contact anyone and she hoped it would be remedied so when someone called for help they would receive it. Council Members Galloway, Goldberg, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he thought there must be some kind of accountability and this highlighted how important the 311 and follow up response was because there were frequent water line breaks in such an aging system; and upon questions, Mr. Heilman stated that they had not received any word of chemicals in the pipes; and Mr. Michel stated that they would check; and Mr. Norman stated that it would only be processed water. Mayor White stated that it should only be processed water, there was not water with chemicals Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to know if the Health Department had made any surveys there; that she also wanted to say it was a beautiful subdivision with people working very hard to keep it that way and she would support the Mayor on his relief to them; and Mr. Heilman stated that he was not aware of Health going out and if there was an odor he would think Health would have been apprised and would have sent someone, but he did not know if they were notified. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that it was a lovely subdivision and they had one of the highest voting subdivisions; that tomorrow they would be cutting back taxes by half a cent and it may save someone \$6.00 a year, but that money could be spent on maintaining water systems and roads and there should not be emergencies to systems coming up, instead there should be regular maintenance and the money should be used responsibly. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Keith Oliver, 5810 Darlington, Houston, Texas 77085 (713-858-2647) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Stella Moses, 5730 Darlington, Houston, Texas 77085 (713-922-8746) appeared and stated that she was a resident in Windsor Village and June 8th there was a water main break about 12:45 p.m. and she saw it begin rushing into her yard and over her feet in her home, it was like a wave rushing in; that they could get no one at 311 so her daughter began waking up the neighbors and she hoped in the future there would be more emergency numbers

so if they could not get one they could get another. Council Members Lawrence, Galloway, Goldberg, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to thank her for being a good neighbor, it made a difference her notifying the neighbors and the city failed to respond properly and they were making sure it would not happen again. Ms. Moses stated that she would like a copy of the minutes, a video; and Council Member Quan stated that he would get a video to her; and Ms. Moses stated that she would like a video for everyone; and Council Member Quan stated he would contact the Municipal Channel. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to reiterate the role neighbors played; that when she got out there they had it organized so they could tell her who needed to be talked to and she wanted to thank Ms. Moses for the work they did; that it was helpful knowing who had been talked to and who had not. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Bruce Simpson, 122 Shady Lane, Huffman, Texas 77336 (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Tammy Tran, 2915 Fannin, Houston, Texas 77002 (713-655-0737) appeared and stated that she was a lawyer, but today present as a Vietnamese community activist; that the convenience store owner with her believed they were a target of the FAST Team which stood for Future Abatement Support Team and their conduct was being questioned because of their procedure; that they were chosen to shut down the store based on no clear procedure and no prior warnings and that was why she was present; that she was seeking guidance from the Mayor and Council; that right now a policeman was harassing her clients, if a White man came in it was nothing, but if a Vietnamese or Black man came in they were stopped and she was asking for help for the Vietnamese community. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he was glad she raised that point because it was something he had been concerned about for a long time; that he had spoken with Mr. Michel and Chapter 125 of the Municipal Code did allow for nuisance abatement and was understandable, but he was concerned about a due process system where store owners such as this had an opportunity to meet with police and find out what the problems were and be given an opportunity to correct them; that reasonable efforts should be able to be made such as lighting and cleaning the area and maybe adding additional patrol. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he thought what they were speaking to was larger than this one case; that he liked the FAST team and what they did in his neighborhood and he did not want to discourage them, however, he did think there should be a policy or written form so when they went to a business they could fill in the blanks and sign for it and know the owner got the information they needed; that he got the feeling officers treated businesses differently and if there was a form they could avoid some problems this store owner had. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he thanked the City Attorney of whom he made suggestions to concerning community resources; that he too had tremendous respect for Ms. Tran and many business people in the Vietnamese community; that he did not want to send a signal discouraging the closing down of apartments which had been such a scourge to some

neighborhoods where people would congregate or where people were buying up motels and the average stay was less than a day; that they wanted to protect neighborhoods, however, procedures should be clear and they needed to find ways to not put store owners out of business; and Ms. Tran stated that they would like procedures, the law should not be applied blindly. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Tram stated that officers were harassing her clients and today they would start using cameras. Council Member Quan stated that if she had badge numbers or names, etc., he would speak with Chief Hurtt. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Pete Mai, 2915 Fannin, Houston, Texas 77002 (713-655-0737) appeared and stated that the store owner immigrated here and purchased a store in the Third Ward, but the city was going to shut her down and take away her livelihood with no proof she had done anything to participate in drugs in the area; that when she first received notice she was given no meeting to resolve problems and her first meeting with the City Attorney's Office and given two demands nonnegotiable, she must shut down for six months and hire two off duty police officers when she opened again; that in court the City Attorney's position was it did not matter that she did nothing wrong, all that counted was there was a number of arrests on her property. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Mai stated that there were 40 arrests made on her property within four years and he would say a majority of the calls were from the store; that also a couple of the arrests were traffic stops; that she should not be required to police the entire area; that she posted no trespass and no loitering signs. Mayor White stated that if one merchant had 40 arrests in the parking lot and the next door owner said they only had 38 and was being shut down; and Mr. Mai stated that he thought the relevant issue should be language of the statute which was an owner knowingly allowing the activity, it should not be the number of activities or offenses or police calls; that people who did not do enough to protect their property and keep this from occurring. Mayor White stated that they had to be careful and not have an exception which would open the floodgates to other litigation. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) appeared and stated that it was interesting the Vietnamese was there because they lie against the African Americans so much; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Sonny Johnson, 7007 Foxmar, Humble, Texas 77338 (281-540-4894) was previously added to the speakers list, appeared and stated that she lived in the Foxwood Subdivision and one street from where they opened the new runway at Bush Intercontinental Airport; that her home was bombarded by planes flying over; that she was bringing it to the Mayor's attention because the city operated the airport; that she knew they wanted progress, but they were sacrificing those who lived there; that her property value dropped and she was told it was because she was in the flight path; that all they had was talk and she was urging it be looked into. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis,

Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that their pleas had not gone on deaf ears; that he and many Council Members had briefings on what was going on at the airport and he was told they were doing further sound checks and rerouted some flights; and Ms. Johnson stated that was not true, all they did was talk and she was the one living it. Council Member Quan stated that he was willing to follow-up, but he was assured they were beginning to take action. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Ms. Johnson stated that the EIS study did not enter the information from the runway onestreet over from her house into the study; that the new study would not start until September and run until January 2005; that she did not attend hearings in 1998 as she was not aware of them. Council Member Goldberg stated that he would also follow-up. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Mr. Barrett from Aviation was present and asked if she had met with him; and Ms. Johnson stated that she knew who he was. Mayor White stated that he sensed her frustration, but if she was saying there was no one with Aviation she trusted then he was at a loss; and Ms. Johnson stated that you could not hear your phone ring if you were holding it outside. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated the FCC was fraud and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Josh Bullard, 3328 McGowen, Houston, Texas 77004 (832-741-5728) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Lonn Vasquez, 1704 Webber, Houston, Texas 77007 (713-864-5667) appeared and stated that Mr. Robert Eckels office was contacted and Mr. Rousel was interested in an NFL franchise in Houston and he would like something in writing about the ice rink on the reflection pool and would like to meet with Council Member Alvarado about it. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

Mr. Dean Becker, 11215 Oak Spring, Houston, Texas 77043 (281-752-9198) had reserved time to speak but was not present when his name was called. Mayor White, Council Members

Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:22 p.m. City Council recessed until 9:00 a.m., Wednesday, June 23, 2004. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, June 23, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, June 23, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Susan Taylor, Assistant City Attorney; Ms. Judy Gray Johnson, Director, Finance and Administration; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

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

At 9:22 Mayor White reconvened the meeting of the City Council and stated that there was going to be a very brief Mayor's Report on the budget.

MAYOR'S REPORT

Mayor White stated that he had a handout to distribute to the Council Members certain items that he was going to be talking about, that certain Council Members had asked for a brief Mayor's Report on some issues that were raised by the Houston Police Officers Pension System, that he would make that the topic of the report, that the Police Officers Pension System was in a pretty good financial state, it had as of about two months ago about \$2.4 billion in liabilities and historically the payments out of the pension system, over the last five years, had been between \$50 million and \$60 million per year with the contributions from the City and officers being along the same lines, they did engage Mercer to do an analysis of the Police Officers Pension System and in particular they found that there were some impacts on the pension system of the pay increase and the effect of that pay increase on final pay, that there was a negotiating team lead by Chief Thalor and Ms. Sarah Culbreth, who had dealt with the Houston Police Officers Pension System on a variety of issues, they were serving the public in trying to do the right thing in their jobs and they knew how to deal with people effectively, he did not get any calls and did not think the City Attorney got any calls or the Director of F&A got any calls that somebody thought that something they put in the budget was not lawful until they got a copy of emails that were sent to the members of the Houston Police Pension System, that what they had done in the budget was that they had budgeted the amount that they believed was the likely City contribution to the pension system, taking all things into account and also taking into account the fact that the Legislature had not been in session and negotiations had not been concluded, to budget a greater or lesser amount than they reasonably estimated during the fiscal year they would be obligated to pay could be irresponsible, that they tried to come up with the best estimate that they could of the amount that they would be obligated to pay, that their analysis showed that if they paid the \$36 million or in line with last year's contributions and made very reasonable changes in the benefit formulas, that the unfunded liability was significantly diminished in the system, that was the policy that they followed and if somebody wanted to take them to court to say they should raise taxes or cut police services to fund more than they believed was a prudent amount to pay then take them to court because he thought they were satisfied of what their legal defenses were in that case and he did want to highlight to his colleagues the sheet that he had handed out that said "Houston Police Officers Pension

System Certain Information Per Mercer Report as of July 1, 2004", that he wanted the Council Members as public servants to think about how they wanted to approach a particular issue in the public interest. Mayor White reviewed the handout with the Council Members, a copy of which is on file in the City Secretary's Office for review. Council Member Goldberg absent.

CONSENT AGENDA NUMBERS 1 through 53

MISCELLANEOUS - NUMBERS 1 through 4

1. REQUEST from Mayor for confirmation of the appointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE)**:

- Position One - **MR. MICHAEL RICHARD FORTIN**, for a term to expire December 31, 2005;
- Position Two - **MR. ROBERT S. BRACKMAN**, for a term to expire December 31, 2004
- Position Three - **MR. EDWARD REYES**, for a term to expire December 31, 2005; and to serve as Chair, for a term to expire December 31, 2004
- Position Four - **MR. RAFAEL R. LONGORIA**, for a term to expire December 31, 2004
- Position Five - **MR. LLOYD BURKE**, for a term to expire December 31, 2005

- was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0692 ADOPTED.

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS, (MIDTOWN)**:

- MR. ROBERT D. SELLINGSLOH**, as Chair, for a term to expire December 31, 2004
- Position Seven - **MR. DAVID L. EDWARDS**, for a term to expire December 31, 2005

- was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0693 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of the following to the **MIDTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:

- MR. ROBERT D. SELLINGSLOH**, as Chair, for a term to expire December 31, 2004
- Position Seven - **MR. DAVID L. EDWARDS**, for a term to expire December 31, 2005

- was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0694 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **JOINT CITY/COUNTY COMMISSION ON CHILDREN**:

- Position 2 - **MS. ROGENE GEE CALVERT**, reappointment, for a term to expire 12/31/2005
- Position 4 - **DR. LINDA M. MCNEIL**, reappointment, for a term to expire 12/31/2005
- Position 6 - **MR. FELIX FRAGA**, reappointment, for a term to expire 12/31/2005
- Position 9 - **MR. RUBEN DAVIS**, appointment, for a term to expire 12/31/2005

- was presented, moved by Council Member Khan, seconded by Council Member Quan.

All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0695
ADOPTED.

ACCEPT WORK - NUMBER 6

6. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$428,813.07 and acceptance of work on contract with **TEXAS LIQUA TECH SERVICES, INC** for Roof Replacement for Municipal Courts Building, GFS D-0044-04-3 - 04.41% over the original contract amount - **DISTRICT H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0696 ADOPTED.

PROPERTY - NUMBER 7

7. RECOMMENDATION from City Attorney to deposit the amount of 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. Clear Channel Outdoor Inc., a Delaware corporation, et al, Cause No. 809,400, for acquisition of Parcel A97-349; for the **LEY ROAD PAVING PROJECT from Homestead Road - N. Wayside Drive**, CIP/GFS N-0663-00-1 - \$28,614.00 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0697 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 10

8. **PARALLAX SERVICES, INC** for HVAC Replacement at Fire Station No. 47 for Building Services Department - \$47,950.00 and contingencies for a total amount not to exceed \$50,347.50 - Fire Consolidated Construction Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0698 ADOPTED.
9. **GBS ENVIRONMENTAL, INC** for Asbestos Abatement, Demolition and Site Clean-Up Services for Planning & Development Department - \$29,500.00 and contingencies for a total amount not to exceed \$30,975.00 - Dangerous Building Consolidated Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0699 ADOPTED.
10. **ACT PIPE AND SUPPLY** for Pipe, PVC SDR-21 and DR-18 for Department of Public Works & Engineering - \$117,920.00 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$114,382.40 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0700 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 53

13. ORDINANCE approving and authorizing sale to **NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY** of a waterline easement in a tract or parcel of land containing 2,400 square feet, more or less, being out of the City of Houston's Fire Station No. 89, Site, located at 14,000 Bammel-North Houston Road, Parcel SY4-031, for and in consideration of the payment by North Harris County Regional Water Authority of \$2,400.00 to the City of Houston, situated in the Joseph Farwell Survey, A-262; subject to the terms and conditions of the right of way and easement agreement - was presented. All voting aye.

Nays none. Council Member Goldberg absent. ORDINANCE 2004-0644 ADOPTED.

15. ORDINANCE establishing the north and south sides of the 1900 block of Decatur Street, the south side of the 1800 block of Decatur, the north and south sides of the 1800 block of Kane Street, the north and south sides of the 1800 block of Lubbock Street, and the west side of the 700 and 800 block of Sabine Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0645 ADOPTED.
16. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **FALLBROOK UTILITY DISTRICT**; making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0646 ADOPTED.
- 16-1. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FALLBROOK UTILITY DISTRICT**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Fallbrook Utility District annexed for limited purposes; assigning annexed areas to an adjacent District from which a District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter; providing for severability - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0647 ADOPTED.
17. ORDINANCE approving and authorizing sublease agreement between the City of Houston, Texas and **CONTINENTAL AIRLINES, INC** for Automated People Mover at George Bush Intercontinental Airport/Houston - \$10,000.00 - Enterprise Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0648 ADOPTED.
18. ORDINANCE approving and authorizing lease agreement between the City of Houston and **STARFLITE MANAGEMENT GROUP, INC d/b/a STARFLITE AVIATION** for certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0649 ADOPTED.
19. ORDINANCE amending Ordinance No. 2003-231, passed March 12, 2003 for Layered General Property Insurance Coverage to increase the maximum contract amount - \$45,000.00 - Property and Casualty Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0650 ADOPTED.
20. ORDINANCE approving and authorizing professional artist services contract between the City of Houston and **NATALYE APPEL + ASSOCIATES ARCHITECTS LLC** for the Fabrication, Delivery and Installation of Civic Art for the Jones Plaza Cornerstone Project - \$300,000.00 George R. Brown Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0651 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City of Houston and **GULF COAST CONCESSIONS AND CATERING** for Food and Beverage Concessions at the Gus Wortham Golf Course - 1 Year with two one-year options - Revenue - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0652 ADOPTED.
24. ORDINANCE approving and authorizing first amendment to contract between the City of

Houston and **B. H. GOODMAN BUS SERVICE, INC** for Bus Rental Services (School Buses & Mini Buses) for Parks & Recreation Department (as approved by Ordinance No. 99-814) - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0653 ADOPTED.

26. ORDINANCE appropriating \$132,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional construction management contract between the City and **SCL ENGINEERING, L.L.C.** for Scott No. 3 Lift Station Pump Improvements and Leirim Sanitary Sewer Relief, CIP R-2011-34-3 (WW4853-01) - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0654 ADOPTED.
27. ORDINANCE appropriating \$348,000.00 out of Fire Consolidated Construction Fund and \$323,000.00 out of Public Library Consolidated Construction Fund as an additional appropriation for project management support and construction management services for the Houston Public Library and the Houston Fire Department under program management contract with **GREYHAWK NORTH AMERICA LLC** (approved by Ordinance No. 2003-0452); CIP E-0143-01-5 and C-0148-01-5 - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0655 ADOPTED.
29. ORDINANCE appropriating \$762,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **OMEGA ENGINEERS, INC** for Design of Reconstruction of Armour Drive from Lockwood Drive to Clinton Drive, CIP N-0733-01-2 (SB9177); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0656 ADOPTED.
30. ORDINANCE appropriating \$550,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Design of Pump and Lift Station Renewal and Replacement, CIP R-0267-81-2 (WW4871); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0657 ADOPTED.
31. ORDINANCE appropriating \$550,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **PATE ENGINEERS, INC** for Design of Lift Station Renewal and Replacement, CIP R-0267-82-2 (WW4872); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0658 ADOPTED.
32. ORDINANCE appropriating \$1,800,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **PATE ENGINEERS, INC** for engineering services associated with the Rehabilitation and Replacement of Water Storage Tanks, CIP S-0600-B1-2 (WW10814); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0659 ADOPTED.
33. ORDINANCE appropriating \$525,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services

contract between the City of Houston and **CARTER & BURGESS, INC** for Design of New Ground Water Storage Tanks at District 175, District 184 and Katy Addicks Repump Station, CIP S-0610-A1-2 (WA10797); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; F - KHAN and G - HOLM** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0660 ADOPTED.

34. ORDINANCE appropriating \$156,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **PTI, INC** for Design of Flow Meters at Various Facilities, CIP S-0936-08-2 (WA10813); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; F - KHAN and G - HOLM** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0661 ADOPTED.
38. ORDINANCE appropriating \$3,670,510.00 out of Series E Commercial Paper Metro Project Fund No. 49M, awarding contract to **MAIN LANE INDUSTRIES, LTD.** for Generic City-wide Overlay Package #6 (Work Order Contract), GFS N-1037-43-3 (OL2243); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Project Fund No.49M - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0662 ADOPTED.
41. ORDINANCE appropriating \$1,440,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **NBG CONSTRUCTORS, INC** for 69th Street Wastewater Treatment Plant Storm Damage Rehabilitation, GFS R-0265-28-3 (WW4760-10); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0663 ADOPTED.
42. ORDINANCE appropriating \$937,170.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **LEM CONSTRUCTION CO., INC** for Rehabilitation of Roark #3 and Stroud Lift Stations, GFS R-0267-B8-3 (WW4728-17); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0664 ADOPTED.
43. ORDINANCE appropriating \$3,686,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **INSITUFORM TECHNOLOGIES, INC** for Large Diameter Sewer Rehabilitation Sims Bayou Relief Line, Package 1, GFS R-0294-03-3 (WW4770-01); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS D - EDWARDS and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0665 ADOPTED.
44. ORDINANCE appropriating \$3,757,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **BOYER, INC** for Large-Diameter Sewer Rehabilitation Sims Bayou Relief Line, Package 2, GFS R-0294-04-3 (WW4770-02); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member

Goldberg absent. ORDINANCE 2004-0666 ADOPTED.

45. ORDINANCE appropriating \$7,899,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **INDUSTRIAL TX CORPORATION** for 69th Street Wastewater Treatment Plant Improvements - Package 2, GFS R-0509-09-3 (WW4842-03); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0667 ADOPTED.
46. ORDINANCE appropriating \$5,019,770.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **BL TECHNOLOGY, INC** for Automation and SCADA Improvements at 69th Street, Sims North, and Beltway WWTP's, GFS R-0512-11-3 (WW4768-04); providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS F - KHAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0668 ADOPTED.
48. ORDINANCE appropriating \$615,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PARALLAX BUILDERS, INC** for Domestic Water System Upgrade, Bob Lanier Building, CIP S-0019-27-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0669 ADOPTED.
49. ORDINANCE appropriating \$2,716,000.00 out of Water & Sewer System Consolidated Construction Fund No. 755, awarding contract to **REDDY ENGINEERS & CONTRACTORS, LTD**, for Construction of One 5.0 MG Ground Storage Tank and Detention Pond at the Park Glen-1 Pumping Station, GFS S-0600-32-3 (WA10675-32); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund No. 755 - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0670 ADOPTED.
53. ORDINANCE appropriating \$5,219,100.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CONTRACTOR TECHNOLOGY, LTD.** for 30-Inch and 48-Inch Water line along Almeda Road and Holcombe Boulevard from North MacGregor Way to South Braeswood Boulevard, GFS S-0900-90-3 (WA10774); providing funding for engineering testing 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 Goldberg absent. ORDINANCE 2004-0671 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

DAMAGES

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **VERONICA GUTIERREZ v. Jesse Foroi** and the City of Houston consolidated with **Griselda Marquez v. Jesse Foroi**, City of Houston and **Veronica Gutierrez**; in the 55th Judicial District Court of Harris County, Texas, Cause No. 2002-03786 - \$37,000.00 - Property and Casualty Fund- moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Quan stated that he wanted to follow-up as to what the status of Office Foroi, that he had admitted to liability on the item and wanted to see what actions the department had taken, that he did not want to delay the settlement but if the department would follow-up he would appreciate it, and Mayor White stated that there was a officer from HPD in the audience and would get that information to Council Member Quan. Council Member Goldberg absent.

Council Member Holm asked why did the settlement money come from the General Fund, and Mayor White asked Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office, to answer that and Mr. Hall stated that they had not been able to discern a system that would allow the accountability in the departments budgets and not frustrate the very objective the Council was trying to implement today by saying they wanted this or that funded or implemented, and Mayor White stated that he believed it was an issue of the allocation of the responsibility for the claims and stated to Council Member Ellis, Chairman of the Fiscal Affairs, that it may be worth some consideration on how they budgeted going forward, and Council Member Holm stated that she wanted to pursue it and did not want to cut services to their citizens but there had to be some type of accountability and remedy. Council Members Green and Berry absent.

Council Member Edwards asked Mr. Hall if the employee who was found at fault in the accidents have any personal liability in them, and Mr. Hall stated that if it was found that they were in the course or scope of their employment then the City assumed the liability sothe answer was generally "no", that they were generally negligence cases, and when in fact there was a claim made and it was the judgment of the Legal Department that the claim ought to be paid the Mayor was provided a letter from the department head indicating what discipline was offered to the employee for that transaction, that most often the discipline was slim or none, that if the person was at fault and cited by the police it went on their personal driving record. Council Members Quan and Berry absent.

A vote was called on Item No. 5. All voting aye. Nays none. Council Members Quan and Berry absent. MOTION 2004-0701 ADOPTED.

PURCHASING AND TABULATION OF BIDS

11. AMEND MOTION #2001-696, 6/20/01, TO EXTEND expiration date from July 9, 2004 to July 8, 2005, for Directories, Street Guides Contract for Various Departments, awarded to KEY MAPS, INC - was presented, moved by Council Member Khan, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Quan and Berry absent. MOTION 2004-0702 ADOPTED.

RESOLUTIONS AND ORDINANCES

12. RESOLUTION authorizing the City to establish the U. S. Green Building Council's LEED Certification as a standard for new or replacement facilities and major renovation of City of Houston owned buildings and facilities with more than 10,000 square feet of occupied space - was presented.

Council Member Holm stated that she applauded the resolution, but was concerned that they had taken out the Airport System and exempted it from the proceedings and was not sure why, and Council Member Edwards stated that was her concern and they talked with the Airport and they said they were never approached on it but had no problem and would be willing to enter into the discussions, and Council Member Holm stated that was what she was told also, that she was willing to pass the item, but would like to see them pursue an amendment or another resolution that added the Airport in the near future. Council Member Wiseman absent.

Mayor White stated that the administration supported going in that direction and did not

know what the issue on the Airport was, that they could either delay the item and get the answer or pass it and report back. Council Member Wiseman absent.

Council Member Galloway asked what was the membership cost and Mayor White stated that it was \$1,000 per year. Council Member Wiseman absent.

Council Member Khan stated that he wanted to commend Mr. Issah Dadoush, Director, Building Services, for bringing it forward and thought it would set the tone for the Green Building throughout the City. Council Member Wiseman absent.

Council Member Quan stated that he wanted to recognize Mr. Dadoush, and they also had several members of the Green Building Council and wanted to thank them for all their work and asked that they stand and be recognized. Council Members Goldberg and Wiseman absent.

Council Member Lawrence stated that she wanted to reiterate what her colleagues had stated and wanted to compliment Mayor White for his choice on bringing things like this forward as far as air pollution and quality of life. Council Members Goldberg and Wiseman absent.

Mayor White stated that they would get a separate report on the airport.

A vote was called on Item No. 12. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. RESOLUTION 2004-0015 ADOPTED.

12-1 ORDINANCE **AMENDING CHAPTER TWO OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Facsimile Signatures - was presented. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. ORDINANCE 2004-0672 ADOPTED.

14. ORDINANCE approving and authorizing sale to **STATE OF TEXAS** of (i) a ±1,243 square foot portion of a 0.5165 acre tract out of Reserve B, Woodcreek Park, Section One, Parcel SY4-025A (aka Parcel J67-009A; State Parcel 521) and (ii) a ±85 square foot portion of a 0.3294 acre tract out of Reserve A, Gentry Subdivision, Parcel SY4-025B (aka State Parcel 525) both adjacent to the Interstate Highway 10 Service Road; in consideration of the payment of \$13,484.00 and \$713.00, respectively, therefore, and other consideration to the City - **DISTRICT A - LAWRENCE** - was presented. Council Member Edwards voting no, balance voting aye. Council Members Goldberg and Wiseman absent. ORDINANCE 2004-0673 ADOPTED.

21. ORDINANCE amending Ordinance No. 2004-568 for limited purpose of approving and authorizing a modified Document Custodial Agreement which includes a procedure for the selection of successor custodians if necessary and other minor modifications and allowing the substitution of the attached Exhibit 12 for the Exhibit 12 previously approved pursuant to Ordinance No. 2004-568 - was presented. All voting aye. Nays none. ORDINANCE 2004-0674 ADOPTED.

22. ORDINANCE approving and authorizing the City of Houston to submit the 2004 Consolidated Annual Plan to the United States Department of Housing and Urban Development, including the following 2004-2005 Grant Applications: 1) 30th Year Community Development Block Grant in the amount of \$40,851,100.00 (\$36,210,000.00 Entitlement Grant, \$3,000,000.00 Program Income and \$1,641,100.00 Prior years funding); 2) Home Investment Partnerships Grant in the amount of \$16,887,269.00 (\$14,658,000.00 Grant, \$500,000.00 Program Income and \$1,729,269.00 from the American Dream Down Payment Initiative [ADDI]); 3) Housing Opportunities For Persons With AIDS Grant in the amount of \$5,068,000.00; and 4) Emergency Shelter Grants in the amount of \$1,353,110.00; and to accept the aforementioned grant funds; if awarded - was presented.

Council Member Quan stated that as they all knew it was a very important program when they looked at the Consolidated Plan as to how the City used the monies that came to them through HUD and other grants, that they had extensive hearings and allowed the community to come forward and speak at those hearings and moved that the following three motions to amend Item No. 22 be adopted, seconded by Council Member Khan:

“\$300,000 for the Developmentally Disabled. Service provider: The Center Serving Persons with Mental Retardation. The Center is a private, not-for-profit, 501(c)(3) United Way Agency. Funding available from either the Program Income and/or Reprogrammed Prior Years Funding”

\$100,000 to Neighborhood Centers, Inc. for the operation and development of the Second Ward Day Labor Center. Funds available from either the Program Income and/or Reprogrammed Prior Years Funding

\$100,000 to the Houston Asset Building Coalition for the development of an educational program for home buyer education, working with other community based organizations such as ACORN, REAL, etc. Funds available from either the Program Income and/or the Reprogrammed Prior Years Funding”.

After discussion by Council Members, Council Member Sekula-Gibbs stated she would tag Council Member Quan’s amendments and Item No. 22, and Council Member Alvarado stated that she would also tag the amendments. Council Member Ellis absent.

Council Member Sekula-Gibbs stated that she too had three motions to amend Item No. 22 as follows, seconded by Council Member Khan, and would tag her amendments.

Clinic:	Purpose:	Amount of request:
Denver Harbor Clinic (need to insert address)	1,750 square foot expansion of the existing clinic	\$153,000
Spring Branch Community Health Center 9325 Kempwood Houston, Texas 77080	800 square foot expansion for a pharmacy and examination rooms, and additional parking spaces	\$100,000
Ibn Sina Community Clinic 11246 Wilcrest Drive #190 Houston, Texas 77099	1,000 square foot expansion of existing clinic and extension of operating hours	\$356,000

Council Member Alvarado stated that she would tag Council Member Sekula-Gibbs amendments and Item No. 22.

25. ORDINANCE amending Ordinance No. 2001-0129 to increase the maximum contract amount for Contract No. C52372 between the City of Houston and **CINGULAR WIRELESS (formerly HOUSTON CELLULAR TELEPHONE COMPANY, L.P.)** for Wireless Communications Services for Various Departments - \$900,000.00 - Central Service Revolving Fund - was presented, and tagged by Council Member Alvarado.
28. ORDINANCE appropriating \$400,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **SCIENTECH ENGINEERS, INC** for Design of Ley Road Paving Improvements from Mesa Drive to Grade Separation at HB&T RR, CIP N-0689-01-2 (SB9179); providing funding for contingencies relating to construction of facilities financed

by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2004-0675 ADOPTED.

35. ORDINANCE appropriating \$3,229,665.84 out of Storm Sewer Consolidated Construction Fund, \$589,550.00 out of Water & Sewer System Consolidated Construction Fund, \$11,049,000.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Kirby Drive Storm Sewer Project - Segment One - Brays Bayou to Dorrington Street, GFS M-0771-01-3 (SM5044-01); providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund, the Water & Sewer System Consolidated Construction Fund and Drainage Improvements Commercial Paper Series F Fund - **DISTRICT C - GOLDBERG** - was presented, and tagged by Council Member Garcia. (Note: Council Member Garcia released his tag later in the meeting.)

After discussion by Council Members, Council Member Edwards moved to suspend the rules to hear from Mr. John Vanden Bosch, Director, Public Works and Engineering Department, at this time, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0703 ADOPTED.

Upon questions by Council Members, Mr. Vanden Bosch stated that according to their bid process they had no ability to give them any more than they low bid for, they did construction projects and the only way they were awarded projects was through the competitive bid process, that they did not give them any work, that sometimes the allegations of constituents complaints and their standoffish and arrogance with constituents was an issue and they tried to address that, that he would not say who was right but there were two sides, that if it was not properly negotiated the Council could withhold payment on the job, and Council Member Holm stated that as to incentives, why would they put incentives in when there was absolutely no way that they should not finish it in the amount of time allowed and why would they allow that amount of time on a project that was so critical and needed to be ongoing so quickly, and Mr. Vanden Bosch stated that basically it would probably be closer to 210 days for the utilities to get relocated since they did not have a utility relocation ordinance yet so they were having to negotiate with utility suppliers, they had no hammer on pushing them, that as to determining the time, the engineer makes an estimate of the time to finish the job, then they make an independent estimate of the time, they frequently used consultants to help them make that estimate and then that was how they bid the job, that he could not guarantee that the contractor would not finish the job, that they were estimating how long somebody else was going to take to do something, that they did have pre-qualifications of contractors and under the leadership of Council Member Berry last year they passed a pre-qualification program and basically Texas Sterling was pre-qualified, and Council Member Khan requested that they review the pre-qualification policy, and Council Member Berry requested that Mr. Vanden Bosch give him his thoughts on how they would fix it, and Mr. Vanden Bosch stated that he did not think that low bid meant low quality, that they did rate their contractors and their rating was based primarily upon completion on time and in accordance with the plans and specs and if there was extremely poor citizens response they would rate that, and Council Member Berry stated that he would like to know Texas Sterling's record and maybe the top ten companies in terms of volume of business with the City on how they had been rated, and Mr. Vanden Bosch stated that basically they adopted as a pilot program the TXDOT pre-qualification list for contractors and street and bridge work and that was their qualification, that they present evidence that they were qualified with TXDOT on street and bridge work and each time they got a job they had to show that they were still on that list, that as to how the City would know that the contractor would be able to fulfill so many jobs awarded to them at one time, they got submitted to them by the contractor a pretty detailed plan of attack, a critical path schedule for the job and they were also subject to a penalty if they did not complete the job on time, that he did not believe that Texas Sterling had a notoriously bad reputation for completing jobs, that he did not have in his head statistics for all the jobs, that the penalty was generally assessed, by law, based on the cost and time to the City

of Houston that the job was not completed and on this job he did not know what the penalty was, that as to the amount of the bonus determination per day, he sets the policy, that he established the maximum per day and they had a written criteria for what kind of jobs it applied for, that they make the determination on the size of the bonus and it could not exceed a certain percent of the construction cost and so forth, that Texas Sterling's overall rating was a 79.5 and was by individual contracts.

Mayor White stated that Item No. 35 was tagged. Council Members Galloway, Khan and Ellis absent.

36. ORDINANCE appropriating \$3,200,000.00 out of Series E Commercial Paper Metro Projects Fund, \$1,718,244.00 out of Street & Bridge Consolidated Construction Fund and \$374,111.44 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **SOUTH COAST CONSTRUCTION, INC** for High Star Drive Paving and Drainage Improvements from Dairy Ashford to Cook Road, GFS N-0694-01-3 (SB9115); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund, the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN** - was presented. Council Members Khan and Ellis absent.

Council Member Galloway moved to suspend the rules to hear from Mr. John Vanden Bosch, Director, Public Works and Engineering Department, at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg, Ellis and Quan absent. MOTION 2004-0704 ADOPTED.

Upon questions by Council Members, Mr. Vanden Bosch stated that they had formalized the bonus as much as he thought was prudent, at the lower level if they had a bonus of \$500 per day it would not make a bit of difference to the contractor, that he capped it at \$3,000 so what they were dealing with was a judgment call on what was enough money to make a contractor do business in a slightly different way that may cost him more money, that they did not want to waste the money, that he had also capped the total amount of the bonus that they could earn as a certain percentage of the project, so that cap was on, that was a policy cap that he had made, that he could get them the percentage of the project as soon as he got back to his office, and Council Member Galloway stated that she would like to have some type of uniformed method in which they did it, and Mayor White stated if they had the criteria they would share it with all of the Council Members for how to set the bonus. Council Members Wiseman, Alvarado, Quan and Berry absent.

A vote was called on Item No. 36. All voting aye. Nays none. Council Members Alvarado, Quan and Berry absent. ORDINANCE 2004-0676 ADOPTED.

37. ORDINANCE appropriating \$2,100,000.00 out of Series E Commercial Paper Metro Projects Fund and \$162,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for El Dorado Boulevard Paving Extension from Beamer Road to 3,000 feet east, GFS N-0712-01-3 (SB9170-01); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund and the Street & Bridge Consolidated Construction Fund **DISTRICT E - WISEMAN** - was presented, and tagged by Council Member Garcia. Council Members Alvarado, Quan and Berry absent.
39. ORDINANCE appropriating \$3,279,861.00 out of Series E Commercial Paper Metro Projects Fund, awarding contract to **DURWOOD GREENE CONSTRUCTION, L.P.** for Generic City-wide Overlay Package #7, GFS N-1037-44-3 (OL2244); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund - was presented. All voting aye. Nays

none. Mayor White and Council Members Quan and Berry absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0677 ADOPTED.

40. ORDINANCE appropriating \$6,274,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **REDDY ENGINEERS & CONTRACTORS, LTD.** for FWSD #23 Wastewater Treatment Plant Improvements, GFS R-0265-27-3 (WW4760-07); providing funding for engineering, testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Mayor White and Council Members Quan and Berry absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-0677 ADOPTED.
47. ORDINANCE appropriating \$4,585,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **COLT UTILITIES, INC** for Sanitary Sewer Improvements in the Gulf Freeway #2 Lift Station Service Area, GFS R-2011-37-3 (WW4841-02); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Member Ellis. Mayor White and Council Members Quan and Berry absent.
50. ORDINANCE appropriating \$2,356,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LANDMARK STRUCTURES I, L.P.** for Construction of 1.5 MG Braeburn West Elevated Storage Tank, GFS S-0620-28-3 (WA10596-28); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented, and tagged by Council Member Goldberg. Mayor White and Council Members Quan and Berry absent.
51. ORDINANCE appropriating \$2,251,300.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **C AND C SERVICES** for Waterline Replacement in various Unserved Subdivisions, Fifth Ward Area, GFS S-0700-58-3 (WA10566-1); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented, and tagged by Council Member Galloway. Mayor White and Council Members Quan and Berry absent.

Council Member Galloway stated that was very disappointed in Item No. 51 that was in District B and needed to get some questions answered, that she was going to tag the item, that they were upgrading with 2 inch waterlines, that she thought it was wrong, that she thought they needed to look back at the contract and project. Council Members Quan and Berry absent.

52. ORDINANCE appropriating \$1,609,200.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Waterline Replacement in various Unserved Subdivisions, Montrose Area, GFS S-0700-59-3 (WA10566-2); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and D - EDWARDS** - was presented, and tagged by Council Member Galloway. Council Members Quan and Berry absent.

Council Member Galloway stated that she was tagging the item because they could see the difference in other areas, they were starting out with 4, 5 and 8 inch waterlines. Council Members Quan and Berry absent.

NON CONSENT AGENDA - NUMBER 54

MISCELLANEOUS

54. REVIEW of the record and make determination of the appeal filed by Mr. Paul A. Smelik on the decision of the General Appeals Board of a Manufactured Home Hardship Permit Application at 4930 Hoover Street, Houston, Texas, 77092 - was presented.

Council Member Lawrence moved to uphold the decision of the Generals Appeals Board, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0705 ADOPTED.

At 11:00 a.m. the City Council recessed for 10 minutes. Council Member Berry absent.

At 11:16 a.m. Mayor White stated that they would return to the agenda. Council Members Galloway, Goldberg and Alvarado absent.

MATTERS HELD - NUMBERS 55 through 60A

55. ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Truck Loading Zones; containing findings and other provisions relating to the foregoing subject; providing for severability - **(This was Item 14 on Agenda of June 16, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Member Wiseman voting no, balance voting aye. Council Members Galloway, Goldberg and Alvarado absent. ORDINANCE 2004-0679 ADOPTED.
56. ORDINANCE appropriating \$174,000.00 out of Fire Consolidated Construction Fund, \$50,000.00 out of Solid Waste Consolidated Construction Fund and awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Concrete Repair Services for Various Departments - 1 Year with two one-year options - \$5,332,455.65 Maximum contract amount - General, Enterprise and Bond Funds - **(This was Item 34 on Agenda of June 16, 2004, TAGGED BY COUNCIL MEMBER GARCIA)** - was presented. Council Members Galloway and Garcia voting no, balance voting aye. Council Member Goldberg absent. ORDINANCE 2004-0680 ADOPTED.
57. ORDINANCE appropriating \$3,088,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances, Package 3, GFS S-0701-01-3 (WA10700-3); providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **(This was Item 57 on Agenda of June 16, 2004, TAGGED BY COUNCIL MEMBER GARCIA)** - was presented, and tagged by Council Member Galloway. Council Member Goldberg absent.
58. ORDINANCE appropriating \$4,491,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Rehabilitation of Air Release Valves Package No. 1 and 42/36-Inch Waterline along Federal, IH-10 East Frwy., IH-610N. Loop E., Eastland, Rand and Kelly from East Water Purification Plant to Hirsch, GFS S-0701-02-3 (WA10775); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO - (This was Item 58 on Agenda of June 16, 2004, TAGGED BY COUNCIL MEMBER GARCIA)** - was presented, and tagged by Council Member Galloway. Council Member Goldberg absent.

FISCAL YEAR 2005 BUDGET MATTERS HELD

59. ORDINANCE providing for the continuation of appropriations for the support of the City

Government pursuant to the requirements of Article VIa, Section 1 of the City Charter; making other provisions related to the subject; containing a severability clause - **(This was Item 60 on Agenda of June 16, 2004, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0681 ADOPTED.

60. Consideration of amendments to Item 60A below, that were presented on June 16, 2004 and were tagged, as set forth in the attached pages A through M - was presented. Council Member Goldberg absent.

Council Member Ellis moved to suspend the rules to consider Item numbers 60-3 and 60a out of order, seconded by Council Member Alvarado. Council Member Goldberg absent.

Council Member Wiseman stated that she had submitted a written amendment to consider Item 60-8 - No. 10.1 out of order before Items 60-3, 60-4, 60-5, 60-6 and 60-7, that her objective was to make sure that Item 60-8 had the opportunity to be voted upon.

Council Member Wiseman submitted the following written motion:

“On Item 60, motion to take Line Item No. 8, a motion to reduce the 2003 property tax rate by one cent to \$.645 - \$100 assessed value, out of order to be considered before Items 3, 4, 5, 6 and 7.”

After further discussion by Council Members, Council Member Khan stated that he had a friendly amendment to add 60-4, 60-5, 60-6 and 60-7 to Council Member Ellis's motion to take 60-3 and 60a out of order, and Council Member Ellis stated that he would accept that.

After discussion Council Member Alvarado moved to call the question, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2004-0706 ADOPTED.

A vote was called on the motion to consider Item numbers 60-3, 60-4, 60-5, 60-6, 60-7 and 60a out of order. All voting aye. Nays none. MOTION 2004-0707 ADOPTED.

60-3 - No. 1.1 - Reduce this year's ad valorem property tax rate from .655 to .65 per \$100.00 of assessed value; (See MOTION 2004-0710)

60-4 - No. 5.1 - Reduce the 2004 property tax rate by one-half cent to \$.65/\$100 of assessed value (tax rate cut is the equivalent of projected revenue reductions resulting from 7% cap that are already reflected in Proposed FY05 Budget); (See MOTION 2004-0710)

60-5 - No. 11.2 - Reduce the 2004 property tax rate from \$.655/\$100 of assessed value to \$.650/\$100 of assessed value resulting in approximately \$5.15 million decrease in property tax revenues; (See MOTION 2004-0710)

60-6 - No. 3.2 - The City of Houston shall cut the property tax rate one half penny from .655 to .650 per \$100.00 of assessed value; and (See MOTION 2004-0710)

60-7 - No. 6.1 - Reduce this year's ad valorem tax rate from .655 to .65 per \$100.00 of assessed value - were presented, moved by Council Member Ellis, seconded by Council Member Alvarado. (See MOTION 2004-0710)

After further discussion by Council Members, Council Member Edwards moved to call the question and Mayor White stated that by unanimous consent the question was called and a roll call vote was called on the motion to consider Item 60-8 before Item numbers 60-3, 60-4, 60-5, 60-6 and 60-7.

ROLL CALL VOTE ON COUNCIL MEMBER WISEMAN'S MOTION

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting aye
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Green voting aye
Council Member Khan voting no	Council Member Berry voting aye
Council Member Holm voting no	MOTION 2004-0708 FAILED.

After further discussion, Council Member Wiseman presented the following motion which was tagged by Council Member Galloway.

“Motion to amend Item 60 to reduce the tax rate by one cent.”

After a lengthy discussion by Council Members, Council Member Wiseman stated that she submitted a written motion “to override the tag” by Council Member Galloway and requested a roll call vote on her motion.

Council Member Alvarado moved to call the question on the motion to override the tag, and Mayor White stated that by unanimous consent the question was called and a roll call vote was called on Council Member Wiseman’s motion to override the tag. Council Member Holm absent.

ROLL CALL VOTE ON MOTION TO OVERRIDE TAG:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting no
Council Member Goldberg voting no	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting no	MOTION 2004-0709 FAILED.

Council Member Goldberg moved to call the question on the motion to consider Item numbers 60-3, 60-4, 60-5, 60-6 and 60-7 and Mayor White announced that by unanimous consent the question was called.

A roll call vote was called on the motion to adopt Item Numbers 60-3, 60-4, 60-5, 60-6 and 60-7 to reduce the tax rate from \$.655 to .65 per \$100 of assessed value.

ROLL CALL VOTE ON MOTION TO ADOPT ITEM NUMBERS 60-3, 60-4, 60-5, 60-6 and 60-7:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting no	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting aye	MOTION 2004-0710 ADOPTED

Council Member Garcia moved to suspend the rules to remain in session beyond the noon recess until 2:00 p.m., seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0711 ADOPTED.

Council Member Edwards stated that she needed to have somebody give her in writing how the tax reduction would affect flooding issues, drainage issues and repairing of infrastructure in the community and also how it would affect the other areas that they had been looking at as far as after school programs and that type of thing, and Mayor White stated that they would do that, that he would ask the F&A Director to work with him and they would do it in writing. Council Member Alvarado absent.

60-1 - No. 1.2 - Require FY2005 Municipal Pension contributions to go directly into an escrow account to be managed at the Mayor's discretion until such time the negotiations between the Mayor and the Pension Board have been resolved, to the extent the law allows - was presented, moved by Council Member Ellis, seconded by Council Member Khan. Council Member Alvarado absent.

Council Member Garcia stated that he needed some clarification from the City Attorney as to how it was that they could propose in the City budget a compliance funding for fire but not for police, that it was his understanding that there was a State law that their contributions were directed to and applied through all three pension funds yet they were providing a under level of funding for the police pension while they were providing the appropriate funding for the fire pension, why was it that they were not consistent with one action or the other. Council Member Lawrence absent.

Mayor White recognized the City Attorney to respond, and Mr. Michel stated that as the Mayor had stated earlier the budget process was a planning process and an estimate of what was needed and what they did was make their best estimates on where they may end up, that the figure may change down the line but for budget purposes they budget for where they think they may be, it was distinct from the obligation to fund it, to make their periodic payments, which was required by statute, and Mayor White stated that on the distinction between fire and police in both cases they tried to budget their best estimate of what they would be obligated to pay, fromtime to time in the past there had been ongoing discussions that had determined the amount of the contribution as a matter of the course and conduct, that with due respect they made a concrete proposal that would largely solve the issue of un-funded liability and had been in discussion with Chief Hurtt and Ms. Sara Culbreth and others and had no formal plan or proposal by the board of the Police Officers Pension System to bring their fund in balance and an email was first sent to the members rather than a phone call to him or the Chief Administrative Officer or the City Attorney, so if they were talking about who was negotiating in good faith, they could draw their own conclusions, and Council Member Garcia asked who should their colleagues be posing their questions to, and Mayor White stated that was a good question and thought if the Police Officers Pension System wanted to have a public discussion of all the issues maybe Council Member Garcia's committee would be a good forum to ventilate the issues. Council Member Lawrence absent.

Council Member Quan stated that it seemed to him that State law mandated 16% and knew they opted out but could they go back and re-negotiate after the law was already passed and come down from the 16%, and Mr. Michel stated that they could agree by contract to change it and then they would have to have the Legislature adopt it, and Council Member Quan asked if they worked a negotiation with the police that was the only way they could get it down and Mr. Michel stated yes. Council Member Khan absent.

Council Member Sekula-Gibbs stated the City Council would be given an opportunity, sooner or later, to accept or not accept what the administration presented to them, that they were given information, by the administration, to bring forward to light all of the problems in the pension system, that the goal was to make the pensions more secure. Council Members Edwards, Wiseman and Garcia absent.

Council Member Galloway asked on the police pension, if they realized they had under funded the pension they would be able to amend the budget later and fulfill that obligation and

Mayor White stated yes. Council Members Edwards, Wiseman and Garcia absent.

A vote was called on the motion to adopt Item 60-1 - No. 1.2. All voting aye. Nays none. Council Members Edwards, Wiseman and Garcia absent. MOTION 2004-0712 ADOPTED.

60-2 - No. 3-1 - Amendment for pension reform and accountability: Pension obligation bonds shall not be issued until the following reforms to the Houston Municipal Pension System are in place:

- 1) The City of Houston shall require biannual independent actuarial reports. These reports will reflect the state of the pension system.
- 2) The City of Houston shall require individual actuarial studies to examine the impact on the unfunded liability if there are any changes due to state law and/or any meet and confer.
- 3) The City of Houston shall require the HMPS to institute a rolling amortization period to replace the current fixed amortization period.
- 4) The City of Houston shall initiate a legislative priority to restore the Houston City Council appointments and add the City Controller to the Houston Municipal Pension System Board of Directors.
- 5) The City of Houston shall initiate a legislative priority allowing the Mayor to nominate the Chairman of the Pension System Board of Directors with final approval by City Council - was presented. Council Member Wiseman absent.

Council Member Sekula-Gibbs stated that she had submitted substitute language for Item 60-2 as follows:

A special committee shall be appointed by the Mayor to recommend reforms in the governance of the Houston Municipal Pension System. A committee shall seek input from experts who can make recommendations consistent with best practices and the governance and administration of public and private pension funds. The committee shall recommend the nature and frequency of independent audit reports to the City concerning pension liabilities and propose any changes in governance to be made by legislature.

Mayor White stated that he could appreciate her constructive view on the item, and suggested that in light of some comments, the chair could not move but maybe one of his colleagues could move to amend by unanimous consent to review "the Houston Municipal Pension System and the Houston Police Officers Pension System", moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Ellis asked why they were leaving the Fire Department out and Mayor White asked if there was any objection to including the Fire Department and Council Member Sekula-Gibbs stated that she would accept that as a friendly amendment to her written motion.

A vote was called on the motion by Council Member Sekula-Gibbs that she be allowed to substitute language for Item 60-2, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2004-0713 ADOPTED.

The motion by Council Member Sekula-Gibbs to approve Item 60-2 as substituted and amended, seconded by Council Member Alvarado, was before Council. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2004-0714 ADOPTED.

60-9 - No. 3.17 - The City of Houston shall increase senior tax exemptions in the General Purpose fund by 10% - was presented. Council Member Wiseman absent.

Council Member Ellis moved to table Item 60-9, seconded by Council Member

Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2004-0715 ADOPTED.

60-10 - No. 12.1 - Expenditures from Public Works Fund 701 will be restricted to operations of the Water/Sewer Department only. No transfers for the E.B. Cape Center will be made from this fund outside of those activities directly related to the scope and operations of the water/sewer department - was presented, moved by Council Member Holm, seconded by Council Member Alvarado, and tagged by Council Member Galloway. Council Member Wiseman absent.

After discussion by Council Members, Mayor White stated that the item was tagged. Council Member Quan absent.

60-11 - No. 12.2 - The City of Houston shall analyze and develop, not later than 90 days from the adoption of the FY05 Budget, with ongoing input and recommendation from the appropriate Council Committee(s), a City-wide policy concerning training City employees including standards for curriculum, eligibility for training, facilities, training related expenses, and other relevant issues, including assessment of the E.B. Cape Center for training or other purposes, and to report the results to the appropriate Council Committee(s), with the goal of enhancing performance, cutting unnecessary costs, avoiding duplication with other agencies, and improving the ability of the City to provide superior customer service. Training expenses should be fairly charged to the Department or activity of the employees trained - was presented, moved by Council Member Holm, seconded by Council Member Alvarado and tagged by Council Member Galloway. Council Member Quan absent.

Council Member Green stated that he had a written motion to amend the language, and Council Member Galloway released her tag so that Council Member Green could offer his amendment.

No. 4.19 - The City of Houston shall make the E.B. Cape Center available to other municipalities for professional development training classes, for a fee, to be assessed by the city and to report the results to the appropriate Council Committee(s), with the goal of reducing overall costs and improving the ability of the City to provide superior customer service. Council Member Quan absent.

Mayor White asked if there was any objection to the inclusion of language to Council Member Holm's amendment and if not by unanimous consent it would be adopted as part of Item 60-11. Council Member Quan absent.

A vote was called on Item 60-11 as amended. All voting aye. Nays none. MOTION 2004-0716 ADOPTED AS AMENDED.

60-12 - No. 8.12 - Create a policy for selling COH liens - was presented.

Council Member Goldberg moved to substitute a written amendment for Item 60-12 as follows, and was tagged by Council Member Wiseman.

"I move to amend the following FY2005 Budget Amendment as follows:
Create a policy for selling COH liens if allowed by law and a policy for COH below-market leases and submit for City Council approval within the first 90 days of FY2005."

Council Member Wiseman stated that she had tagged the amendment because she had a question on it, that she could release her tag before the end of the session but needed to

consult with a member of the administration on the proposed amendment to Item 60-12, that who ever was responsible for taking care of the City's properties and leases, and Mayor White stated that Mr. Hall was familiar with the substance and asked Ms. Johnson and Mr. Hall or Mr. Lapin to get Council Member Wiseman's questions answered by the end of the session. (Note: Council Member Wiseman released her tag later in the meeting.)

Council Member Galloway stated that she had the same question and asked if they could respond to her as well.

Council Member Goldberg moved to consider 60-12 at the end of the agenda and Mayor White stated that if there was no objection by consent Item 60-12 would be considered at the end of the agenda. Council Member Edwards absent.

60-13 - No. 14.3 - Develop a legislative strategy to address the loss of franchise fees due to increase of wireless devices - was presented, moved by Council Member Ellis, seconded by Council Member Alvarado. Council Member Edwards absent. All voting aye. Nays none. MOTION 2004-0717 ADOPTED.

60-14 - No. 14.4 - Implement a study on efficiency and productivity within Neighborhood Protection - was presented.

Council Member Alvarado stated that she had a substitute language and substituted the following written motion:

"I move to substitute the following for item #60, line items #14, 33, 34, 57 and 58 on the June 23, 2004 agenda:

The City of Houston shall analyze and develop, not later than 120 days from the adoption of the FY'05 Budget, a plan to improve the performance of the Neighborhood Protection Division, and to report the results to the appropriate Council Committee(s), with the goal of maximizing resources, avoiding duplication, enhancing efficiencies and improving the ability of the City to provide superior customer service."

Council Member Ellis moved to allow Council Member Alvarado to substitute language for Item numbers 60-14, 60-33, 60-34, 60-57 and 60-58, seconded by Council Member Khan.

60-33 - No. 13.1 - To allow for less duplication and better service to citizens, The Neighborhood Protection Department shall be merged with the 3-1-1 Department. (See MOTION 2004-0719)

60-34 - No. 13.2 - Merge the 11 positions in the Development Services Division (Planning and Development Department) that are allocated to do outreach/support efforts to civic groups for Super Neighborhoods with the Mayor's CAO. (See MOTION 2004-0719)

60-57 - No. 13.6 - Neighborhood Protection Department shall have a supervisor to non-supervisor position ratio of 8:1. (See MOTION 2004-0719)

60-58 - No. - 13.7 - Allow for performance pay raises for Neighborhood Inspectors/NPD, 311, and any other positions whose function is to service communities, to be based on Customer Satisfaction from Civic Groups and Super Neighborhoods. (See MOTION 2004-0719)

After discussion by Council Members a vote was called on the motion to allow Council Member Alvarado to substitute language for Item numbers 60-14, 60-33, 60-34, 60-57 and 60-58. All voting aye. Nays none. MOTION 2004-0718 ADOPTED.

A vote was called on Item 60-14 as substituted by Council Member Alvarado's written

motion. All voting aye. Nays none. MOTION 2004-0719 ADOPTED.

60-17 - No. 9.1 - Conduct a study of how to revise the city's drainage permitting process to include, but not limited to, 1) hiring a staff hydrologist and a team of dedicated drainage inspectors; 2) mandated drainage plans for ALL new construction &/or existing building permit applications; 3) a proposed drainage permit fee to assist with cost recovery; 4) tax abatements incentives; and 4) the coordination and execution of all drainage permits & inspections under the PWE Department. Study would return recommendations by December 31, 2004 - was presented, moved by Council Member Ellis, seconded by Council Member Alvarado.

Council Member Holm asked what did conductive study mean, how much did it cost and who did the study, and Mayor White stated that it would be done largely in house, that he did not have the specific cost figure associated with it, that he did not know but it was not going to be excessive.

Council Member Edwards stated that their proposal was to ask in house people, PWE to do a salary analysis of what the issues would do in conjunction with the flooding committee, that they were looking for people who were already on board.

Council Member Galloway stated that she had some concerns, that maybe it needed to go through a committee and see what they really needed to do and then implement it so that they could get a cost factor. Council Member Quan absent.

After further discussion by Council Members, Council Member Alvarado moved to call the question, seconded by Council Member Ellis and there being no objection a vote was called on Item No. 60-17. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0720 ADOPTED.

60-18 - No. 12.3 - The city will adopt a policy for all departments for Memberships and Professional Fees to be implemented and reflected in every department's budget for FY05. The policy will be developed and implemented during the first quarter of FY05 – was presented.

Council Member Holm stated that she had substitute language for Item numbers 60-18 and 60-19 and presented the following written motion:

"I move to substitute the following for Item #60, Line items 18 and 19, on the June 23, 2004 Council agenda:

The City of Houston shall analyze and develop, within 120 days from the adoption of the FY'05 Budget, a policy for all departments on the payment of Membership and Professional License Fees for City employees, and to report the results to the appropriate Council Committee(s), with the goal of maximizing resources, avoiding duplication, enhancing efficiencies and improving the ability of the City to provide superior customer service."

60-19 – No. 12.4 - The city will adopt a policy for all Licenses to be implemented and reflected in every department's budget for FY05. The policy will be developed and implemented during the first quarter of FY05. (SEE MOTION 2004-0722)

Council Member Holm moved that she be allowed to substitute language for Item Numbers 60-18 and 60-19, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0721 ADOPTED.

A vote was called on the written motion by Council Member Holm to approve Item numbers 60-18 and 60-19 as substituted. All voting aye. Nays none. MOTION 2004-0722

ADOPTED.

60-20 - 12.5 - The city will adopt a policy for all Travel to be implemented and reflected in every department's budget for FY05. The policy will be developed and implemented during the first quarter of FY05.

Council Member Holm stated that she had substitute language for Item number 60-20 and presented the following written motion:

"I move to substitute the following for Item #60, Line item 20, on the June 23, 2004 Council agenda:

The City of Houston shall analyze and develop, within 120 days from the adoption of the FY'05 Budget, a policy for all departments on the payment of Travel Expenses for City employees, for both Training and Non-Training purposes, and to report the results to the appropriate Council Committee(s), with the goal of maximizing resources, avoiding duplication, enhancing efficiencies and improving the ability of the City to provide superior customer service."

Council Member Holm moved that she be allowed to substitute language for Item 60-20, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0723 ADOPTED.

A vote was called on Council Member Holm's written motion to approve Item 60-20 as substituted. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0724 ADOPTED.

60-21 - No. 12.6 - The city will adopt the following policy for all local training to be implemented and reflected in every department's budget for FY05. The policy will be developed and implemented during the first quarter of FY05 - was presented.

Council Member Holm moved to table Item 60-21, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0725 ADOPTED.

60-22 - No. 13.10 - Develop study on the implementation of a 6% Public Safety set aside from TIRZ revenue - was presented.

Council Member Garcia stated that he had an amendment to substitute for Item 60-22 as follows:

The Administration shall analyze the implementation a set aside from TIRZ increment revenue to be used for public safety.

Council Member Garcia moved that he be allowed to substitute language for Item 60-22, seconded by Council Member Khan and a vote was called. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0726 ADOPTED.

A vote was called on the motion by Council Member Garcia, seconded by Council Member Khan to approve Item 60-22 as substituted. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0727 ADOPTED.

60-23 - No. 13-11 - Develop study to increase ambulance, SOB, late hour, dance, beer & wine permits; public safety reports fees and dedicate to public safety - was presented.

Council Member Garcia moved to table Item 60-23, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0728 ADOPTED.

60-24 - No. 13-12 - Develop study to increase mobile food vendor licenses and dedicate to health department for increase inspections - was presented.

Council Member Garcia moved to table Item 60-24, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0729 ADOPTED.

60-25 - No. 13.13 - Develop study to possibly save up to \$1million by transferring auditing & accounting responsibilities (Police General Fund – Line Item #3300 to F&A - was presented.

Council Member Garcia moved to table Item numbers 60-25, 60-27, 60-33, 60-34 and 60-45, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0730 ADOPTED.

60-27 - No. 13.15 - Develop study on feasibility of outsourcing MWBE certification process of Affirmative Action Department to achieve a thirty day or less certification process. (Tabled by MOTION 2004-0730)

60-33 - No. 13.1 - To allow for less duplication and better service to citizens, The Neighborhood Protection Department shall be merged with the 3-1-1 Department. (Tabled by MOTION 2004-0730)

60-34 - No. 13.2 - Merge the 11 positions in the Development Services Division (Planning and Development Department) that are allocated to do outreach/support efforts to civic groups for Super Neighborhoods with the Mayor's CAO. (Tabled by MOTION 2004-0730)

60-45 - No. 13.3 - Implement a phase down of civilian jail personnel to lessen the impact of moving classified officers into non-patrol function positions. Phase down would consist of reducing civilian jailers by 82 FTE's for FY 05, which retains 2/3 of the current positions. Then in each year remaining until Jail is merged with Harris County, that civilian positions be reduced by a third each fiscal year. (Tabled by MOTION 2004-0730)

60-26 - No. 13-14 - Develop study to dedicate revenue generated by one time sale of city owned taxed foreclosed property to local drainage projects - was presented.

Council Member Garcia stated that he had passed out substitute language for Item 60-26 as follows:

Analyze the possibility of dedicating revenue generated by the sale of City owned taxed or foreclosed properties to water, sewer and infrastructure projects.

Council Member Edwards asked Council Member Garcia if he would accept a friendly amendment to "looking at analyzing and using it for land banking purposes as well", and Council Member Garcia stated that he would accept.

Mayor White stated that if there was no objection the motion to substitute would be amended to include the words at the end "and to include the assemblage of land by LARA or for redevelopment purposes", and if there was no objection to the amendment it was carried by unanimous consent.

Council Member Garcia moved that he be allowed to substitute language, as amended, for Item 60-26, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0731 ADOPTED.

A vote was called on the motion by Council Member Garcia, seconded by Council Member Alvarado to approve Item 60-26 as substituted and amended. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0732 ADOPTED.

60-28 - No. 14.7 - Study the feasibility of creating taxicab zones that would include a fee implementation - was presented, moved by Council Member Ellis, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0733 ADOPTED.

60-29 - No. 14.8 - Study the feasibility of modifying the current ordinance relating to grease within the sewerage collection system so as to reduce re-occurring sewage spills - was presented, moved by Council Member Ellis, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0734 ADOPTED.

60-30 - No. 3.7 - The City Of Houston Health Department shall conduct a study of unused or underutilized space in various city clinics and explore options with Federally Qualified Health Centers and other clinics to share unused or underutilized space - was presented, moved by Council Member Ellis, seconded by Council Member Alvarado.

Council Member Sekula-Gibbs stated that she had an amendment for Item 60-30 as follows:

The City of Houston Health Department shall evaluate unused or underutilized space in various city clinics and develop plans to fully utilize the space, including exploring options with Federally Qualified Health Centers, the Hospital District and other public and private providers to share unused or underutilized space, seconded by Council Member Ellis.

Council Member Sekula-Gibbs moved that she be allowed to substitute language for Item 60-30, seconded by Council Member Ellis and a vote was called. All voting aye. Nays none. MOTION 2004-0735 ADOPTED.

A vote was called on the motion by Council Member Sekula-Gibbs, seconded by Council Member Ellis to approve Item 60-30 as substituted. All voting aye. Nays none. MOTION 2004-0736 ADOPTED.

60-31 - No. 3.9 - The City of Houston shall develop an initiative to increase by 8,000 doses the number of flu vaccinations for high risk, low income patients. Each dose costing \$8.10 would be funded with revenue from increasing fees from other vaccines - was presented.

Council Member Sekula-Gibbs stated that she had an amendment for Item 60-31 as follows:

The City of Houston shall develop an initiative to increase by 8,000 doses the number of flu vaccinations for high risk, low income patients. Each dose costing \$8.10 would be subsidized with extra revenue produced by offering flu vaccinations at market rates for non-eligible clients.

Council Member Ellis moved that Council Member Sekula-Gibbs be allowed to substitute language for Item 60-31, seconded by Council Member Alvarado and a vote was called. All voting aye. Nays none. MOTION 2004-0737 ADOPTED.

A vote was called on the motion by Council Member Sekula-Gibbs, seconded by Council Member Ellis to approve Item 60-31 as substituted. All voting aye. Nays none. MOTION 2004-0738 ADOPTED.

60-32 - No. 14.6 - The City of Houston shall analyze and develop, not later than 90 days from the adoption of the FY'05 Budget, with ongoing input and recommendation from the appropriate Council Committee(s), a City-wide policy concerning the most efficient approach to allocating personnel and resources across Departments, regarding the operation and maintenance of grounds and buildings, and the management of capital projects involving grounds and buildings, and to report the results to the appropriate Council Committee(s), with the goal of maximizing resources, avoiding duplication, enhancing efficiencies and improving the ability of the City to provide superior customer service. This policy shall specifically include the Building Services, Parks and Recreation, Convention and Entertainment Facilities, Library, Health & Human Services, Police, Fire and Housing and Community Development Departments - was presented, moved by Council Member Ellis, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0739 ADOPTED.

60-35 - No. 11.1 - Require all City departments to submit a zero-based budget for the 2006 fiscal year - was presented, moved by Council Member Ellis, seconded by Council Member Alvarado.

Council Member Khan stated that he wanted to amend Item 60-35, to add "for certain activities" after "zero-based budget", seconded by Council Member Quan.

A vote was called on the motion to allow Council Member Khan to amend Item 60-35. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0740 ADOPTED.

Item 60-35 as amended was tagged by Council Member Galloway. Mayor White absent. Mayor Pro Tem Alvarado presiding.

60-36 - No. 4.2 - Require all City of Houston departments to adopt zero-based budgeting for the 2006 fiscal year - was presented.

Council Member Green moved to table Item 60-36, seconded by Council Member Ellis. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0741 ADOPTED.

60-37 - No. 4.1 - Abolish City funded payments for boards and commissions positions for FY2005 - was presented.

Council Member Green stated that he had a substitute for Item 60-34 as follows:
The City of Houston shall analyze and present, within 90 days, a rationale for those City boards and commissions for which members receive payment, and make recommendations for change, if warranted.

Council Member Green moved that he be allowed to substitute language for Item 60-37, seconded by Council Member Ellis and a vote was called. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0741 ADOPTED.

A vote was called on the motion by Council Member Garcia, seconded by Council Member Ellis to approve Item 60-37 as substituted. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0742 ADOPTED.

60-38 - No. 5.14 - Fully implement take-home vehicle audit recommendations (savings: according to audit report, \$463,482) - was presented, moved by Council

Member Ellis, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0743 ADOPTED.

60-39 - No. 8.13 - Match Harris County's monetary contribution to the Greater Houston Partnership - was presented.

Council Member Goldberg moved to table Item 60-39, seconded by Council Member Berry. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0744 ADOPTED.

60-40 - No. 8.11 - Allow no expenditures for any COH employee's license fees or membership in an organization unless essential to the employee's duties - was presented.

Council Member Goldberg moved to table Item 60-40, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2004-0745 ADOPTED.

60-41 - No. 5.2 - Fund an HPD Cadet Training Class (estimated cost: \$2.5 million) - was presented.

Mayor White stated that it was an issue where he made some commitments and would say that most of the Council Members if not all of them had similar amendments, that his commitment to them was that within one week, but no later than June 30, that the Director of F&A, the Chief of Police and himself, would identify the source of funds that would allow there to be a new cadet class and more deployment of the patrol officers, that he could not tell them the exact source of the funds today.

Council Member Berry moved to refer Item 60-41 back to the administration, seconded by Council Member Alvarado.

Council Member Sekula-Gibbs stated that due to the Mayor's commitment to find funding for a cadet class within the next week she moved to table Item 60-43 - No. 3.18 and asked if they could combine them together for one vote.

After a lengthy discussion by Council Members, Council Member Quan moved to amend Item 60-41 as follows:

"the budget shall include the funds to fund an additional police cadet class and additional officers on patrol and by June 30, 2004 the administration should identify the source of funding", seconded by Council Member Khan.

Mayor White stated that currently they had pending a motion to refer back and a motion to table and Council Members Berry and Sekula-Gibbs stated that they would withdraw their motions.

Mayor White stated that they could recognize Council Member Quan's motion to substitute for Item numbers 60-41, 60-42, 60-43 and 60-45.

60-42 - No. 2.1 - Conduct a Police Cadet Class in August 2004 for 70 Cadets. General Fund Cost \$2.7 Million dollars. Cost covers: Salaries, benefits, Field Trainers' bi weekly stipends of \$69 dollars, cadet uniforms and bulletproof vests. The current pool of candidates available to for consideration expires September 01, 2004. (See MOTION 2004-0747)

60-43 - No. 3.18 - The City of Houston shall fund an HPD Training Class composed of 70 cadets. (See MOTION 2004-0747)

60-45 - No. 13.3 - Implement a phase down of civilian jail personnel to lessen the impact of moving classified officers into non-patrol function positions. Phase down would consist of reducing civilian jailers by 82 FTE's for FY 05, which retains 2/3 of the current positions. Then in each year remaining until Jail is merged with Harris County, that civilian positions be reduced by a third each fiscal year. (See MOTION 2004-0747)

Council Member Garcia asked if Council Member Quan would accept a friendly amendment to "include an analysis for phasing out the jailers", and Mayor White stated that the administration would consent to that modification.

After a further discussion a vote was called on the motion by Council Member Quan, seconded by Council Member Khan that substitute language be allowed for Item Numbers 60-41, 60-42, 60-43 and 60-45. All voting aye. Nays none. MOTION 2004-0746 ADOPTED.

Motion by Council Member Quan that the following substitute language be approved as a substitute for Item Numbers 60-41, 60-42, 60-43 and 60-45, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0747 ADOPTED.

The budget shall include the funds to fund an additional police cadet class and additional officers on patrol and by June 30, 2004 the administration shall identify the source of funding and include an analysis for phasing out the jailers.

Council Member Lawrence moved to table Item numbers 60-98, 60-99, 60-100 and 60-101, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0748 ADOPTED.

60-98 - No. 6.8 - Amend the Finance and Administration Budget, org # 1150, to remove \$1700.00 from Line Item # 3905, Membership Fee and \$ 500.00 from Line Item # 3900, Training, for a total amount of \$ 2200.00. These expenditures are budgeted for the CAO who is not acting in a legal capacity representing the City of Houston. The expenditures for his assistant are not crucial to her job duties. (See MOTION 2004-0748)

60-99 – No. 6.9 - Amend the Finance and Administration Budget, Org # 1950, to remove \$ 500.00 from Line Item # 3905, Membership Fee and \$ 1200.00 from Line Item # 3900, Training, for a total amount of \$ 1700.00. These expenditures are budgeted for the Assistant Director at 311 and are not crucial to her job duties as assigned. (See MOTION 2004-0748)

60-100 – No. 6.10 - Reduce expenditures from the General Fund, Line Item # 2315, Publications and Printed Materials to \$531,251.00. This amount is the FY03 actual expenditures and results in a savings of \$75,091.00. (See MOTION 2004-0748)

60-101 – No. 6.11 - Reduce Membership and Professional Fees, Line Item # 3905 expenditures to the following amounts for a total savings of \$31,268.00.
Municipal Courts – Administration: \$ 1,058
Planning and Development: \$ 5,142
Public Works: \$ 50,241
Finance and Administration: \$ 11,038
Human Resources: \$ 2,569 (See MOTION 2004-0748)

60-44 - No. 10.3 - Maintain current HPD staffing as a minimum staffing level for peninsula communities - was presented. (See MOTION 2004-0748)

Council Member Wiseman stated that they were isolated geographically therefore additional deployment of response would be hindered with respect to the time, that they had staffing reduction of officers in the Clear Lake Community that were going to be implemented, that the areas, given their geographic distance, should have at least the minimum that they had now, therefore she would move to adopt Item No. 44, and Council Member Galloway tagged the item.

After further discussion by Council Members, Mayor White stated that Item 60-44 was tagged.

Council Member Galloway stated that she would release her tag on Item No. 60-35, and Mayor White stated that with the Chair's discretion they would consider Item No. 60-35 at this time. Council Member Lawrence absent.

60-35 - No. 11.1 - Require all City departments to submit a zero-based budget for certain activities for the 2006 fiscal year – was again before Council, as amended. Council Members Galloway and Edwards voting no, balance voting aye. Council Member Lawrence absent. MOTION 2004-0749 ADOPTED.

60-46 - No. 3.3 - The City of Houston shall increase the number of squads and ambulances in the Fire Department so as to provide at least one ambulance or squad in every fire station - was presented.

Council Member Sekula-Gibbs stated that she had substitute language for Item 60-46 as follows:

The City of Houston shall develop a plan to increase the number of squads and ambulances in the Fire Department so as to provide at least one ambulance or squad in every fire station.

A vote was called on the motion by Council Member Sekula-Gibbs that she be allowed to substitute language for Item 60-46, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Galloway absent. MOTION 2004-0750 ADOPTED.

A vote was called on the motion by Council Member Sekula-Gibbs, seconded by Council Member Alvarado to approve Item 60-46 as substituted. All voting aye. Nays none. Council Members Lawrence and Galloway absent. MOTION 2004-0751 ADOPTED.

60-47 - No. 10.4 - Creation of a competitive bid process for the public and private sectors for landscaping installation and maintenance currently provided by the Parks Department. (The amendment passed in the FY04 budget, however, was never implemented.) - was presented, moved by Council Member Wiseman, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Galloway absent. MOTION 2004-0752 ADOPTED.

60-48 - No. 10.5 - Creation of a competitive bid process for the public and private sectors for right-of-way mowing. (The amendment passed in the FY04 budget, however, was never implemented.) - was presented, moved by Council Member Wiseman, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Lawrence and Galloway absent. MOTION 2004-0753 ADOPTED.

60-49 - No. 3.10 - The City of Houston Health Department shall initiate and fund a plan to significantly increase child immunizations throughout the city.

Council Member Sekula-Gibbs stated that she had a substitute for Item 60-49 as follows, seconded by Council Member Khan.

The City of Houston Health Department shall initiate a plan to significantly increase child immunizations throughout the city.”

A vote was called on the motion by Council Member Sekula-Gibbs, seconded by Council Member Khan to approve Item 60-49 as substituted. All voting aye. Nays none. Council Members Lawrence and Galloway absent. MOTION 2004-0754 ADOPTED.

60-50 - 3.4 - The City of Houston Controller’s office will provide an accountability review to determine the financial feasibility and effectiveness of SimHouston.

Council Member Sekula-Gibbs stated that she had a written motion to substitute for Item 60-50 as follows:

“I move to substitute the following for item #60, line 50 on the June 23 agenda.

(3.10)

The Administration shall report to City Council within 21 days a list of SimDesk products, similar to those deployed by the City of Houston, that have been sold to and used by businesses, non-profit organizations and public sector entities with more than 5,000 users, for periods of time greater than one year, as the principal operating software for their computing needs. This report shall include the number of daily users, whether it is the executive office software for the users of those entities and the time period for which the product has been used exclusively.”

Council Member Sekula-Gibbs moved that she be allowed to substitute language for Item 60-50, seconded by Council Member Khan and a vote was called. All voting aye. Nays none. Council Members Lawrence and Galloway absent. MOTION 2004-0755 ADOPTED.

A vote was called on the written motion by Council Member Sekula-Gibbs to approve Item 60-50 as substituted. All voting aye. Nays none. Council Members Lawrence and Galloway absent. MOTION 2004-0756 ADOPTED.

60-51 - No. 3.6 - The Mayor shall disclose to City Council and the City Controller’s office any direct or indirect benefits received by any department director. Excluded from this directive are any routine employee benefits - was presented. Council Members Lawrence and Galloway absent.

Council Member Sekula-Gibbs moved to table Item 60-51, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Lawrence and Galloway absent. MOTION 2004-0757 ADOPTED.

60-52 - No. 3.11 - The City of Houston shall enter into a partnership with Harris County to support and advance the Make the Right Call program which will result in the reduction of unnecessary trips to the emergency room - was presented. Council Members Lawrence, Galloway and Wiseman absent.

Council Member Sekula-Gibbs stated that she had a written motion to substitute for Item 60-52 as follows:

“I move to substitute the following for item #60, line 52 on the June 23 agenda.

(3.11)

The City of Houston Health Department and Fire Department shall support and advance the Make the Right Call program to the greatest extent possible within its existing budgets, which will result in the reduction of unnecessary trips to the emergency room.”

A vote was called on the motion by Council Member Sekula-Gibbs that she be allowed to substitute language for Item 60-52, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Galloway and Wiseman absent. MOTION 2004-0758 ADOPTED.

A vote was called on the written motion by Council Member Sekula-Gibbs to approve Item 60-52 as substituted. All voting aye. Nays none. Council Members Lawrence, Galloway and Wiseman absent. MOTION 2004-0759 ADOPTED.

60-53 - No. 3.14 - The Houston Parks and Recreation Department will enter into a partnership with Texas Children's Hospital to fight childhood obesity. Said partnership shall provide opportunities for overweight children who are patients of Texas Children's Pediatric Associates to be referred to a HPARD community program where they will participate in monitored sports programs and activities, and shall be monitored for participation and progress - was presented. Council Members Lawrence, Galloway and Wiseman absent.

Council Member Sekula-Gibbs stated that she had a written motion to substitute for Item 60-53 as follows:

"I move to substitute the following for item #60, line 53 on the June 23 agenda.

(3.14)

The City of Houston Parks & Recreation Department shall support and advance Texas Children's Hospital's efforts to combat childhood obesity to the greatest extent possible within its existing budget."

A vote was called on the motion by Council Member Sekula-Gibbs that she be allowed to substitute language for Item 60-53, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence, Galloway and Wiseman absent. MOTION 2004-0760 ADOPTED.

A vote was called on the written motion by Council Member Sekula-Gibbs to approve Item 60-53 as substituted. All voting aye. Nays none. Council Members Lawrence, Galloway and Wiseman absent. MOTION 2004-0761 ADOPTED.

60-54 - No. 3.16 - The City of Houston shall enter into a lease with Keep Houston Beautiful for office space in return for services - was presented. Council Members Lawrence, Galloway and Wiseman absent.

Council Member Sekula-Gibbs stated that she had substitute language for Item 60-54 as follows:

The administration shall enter into good faith negotiations into a lease with Keep Houston Beautiful for surplus office space without rent payment in return for specified services for an equivalent value, with the tenant paying for tenant occupancy expenses.

Council Member Garcia asked Council Member Sekula-Gibbs if she would accept a friendly amendment to add "for surplus office space as well as some kind of garage or storage space", because they were also needing space to repair the equipment that they were providing to the City of Houston, some kind of maintenance facility or something of that nature, and Council Member Sekula-Gibbs stated that she would accept the friendly amendment.

Mayor White asked if they could say, "would work in good faith to identify space for storage and repair of maintenance equipment", and Council Member Sekula-Gibbs stated that they could say, "for surplus office space and other necessary space", and Council Member Garcia stated that would work, and Mayor White stated that by unanimous consent Council Member Sekula-Gibbs substitute motion was amended. Council Members Lawrence, Galloway

and Goldberg absent.

After further discussion by Council Members, a vote was called on the motion by Sekula-Gibbs that she be allowed to substitute language for Item 60-54 as amended, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Galloway, Goldberg and Quan absent. MOTION 2004-0762 ADOPTED.

A vote was called on the motion by Council Member Sekula-Gibbs, seconded by Council Member Khan to approve Item 60-54 as substituted and amended. Council Member Wiseman voting no, balance voting aye. Council Members Lawrence, Galloway and Quan absent. MOTION 2004-0763 ADOPTED.

60-55 - No. 13.4 - Reduction of large- sedan – fuel-inefficient vehicles. All employees using city owned vehicles, who do not respond to emergency, shall be moved into smaller, cost and fuel-efficient vehicles - was presented. Council Members Lawrence, Galloway and Quan absent.

Council Member Garcia stated he wanted to amend Item 60-55 to add a line at the end of the proposal as written to add “as appropriate”, seconded by Council Member Alvarado.

Mayor White asked if anyone objected to the amendment and hearing none stated that Item 60-55 was amended by unanimous consent.

A vote was called on Item 60-55 as amended. All voting aye. Nays none. Council Members Lawrence, Galloway and Quan absent. MOTION 2004-0764 ADOPTED.

60-56 - No. 13.5 - No employee shall have both a city owned cell phone and city owned pager. All personnel that are not in a position that requires responding to emergency situations with immediacy shall not be issued a city owned cell phone (inclusive of management positions) - was presented. Council Members Lawrence, Galloway and Quan absent.

Council Member Garcia presented the following written motion as a substitute for Item 60-56 as follows:

“I move to substitute the following for item #60, line 56 on the June 23 agenda.

The City of Houston shall analyze and develop, not later than 90 days from the adoption of the FY'05 Budget, a policy concerning the provision and use of portable communications devices, including cell phones, radios, pagers, and data devices, and to report the result to the appropriate Council Committee(s), with the goal of maximizing resources, avoiding duplication, enhancing efficiencies and improving the ability of the City to provide superior customer service.”

A vote was called on Council Member Garcia's motion that he be allowed to substitute language for Item 60-56, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0765 ADOPTED.

A vote was called on the written motion by Council Member Garcia to approve Item 60-56 as substituted. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0766 ADOPTED.

60-59 - No. 9.4 - Place a charter amendment on the November 2004 ballot requiring a two-thirds super-majority vote of City Council to spend Rainy Day Fund - was presented.

Council Member Edwards moved to table Item numbers 60-59 and 60-60, seconded by Council Member Alvarado. Council Member Lawrence absent.

Council Member Edwards stated that with the caveat that they would be placed on the agenda for full Council consideration prior to the deadline for placing measures on the November 2004 ballot, seconded by Council Member Ellis. Council Member Lawrence absent.

60-60 - No. 9.5 - Place a charter amendment on the November 2004 ballot affirming the ability of the City Controller to conduct audits, including performance audits, of City of Houston Departments - Tabled by MOTION 2004-0767.

A vote was called on the motion to table Item Numbers 60-59 and 60-60. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0767 ADOPTED.

Mayor White stated that the motion carried with that understanding, that there was also an understanding that they would work with the Controller on issues such as language and the need for amendments, but they would put something, at her request, on the Council agenda on each of those items if she decided to seek.

Council Member Goldberg moved to extend the Council meeting past 2:00 p.m., seconded by Council Member Ellis. Council Members Lawrence and Holm absent. Mayor White stated that by unanimous consent the motion carried.

60-61 - No. 8.8 - Eliminate PARD PAC's and expenditures for COH employees including support staff - was presented.

Council Member Goldberg moved to substitute a written amendment as follows, seconded by Council Member Khan. Council Members Lawrence and Holm absent.

"I move to amend the following FY2005 Budget Amendment as follows:

No. 8.8 - Eliminate the PARD FTE's and supporting staff positions for PAC's and move all PAC oversight to the Houston Parks Board, Inc. or to a Super Neighborhood organization."

Council Member Galloway stated that she would tag Item 60-61 and Council Member Goldberg's motion to substitute an amendment for Item 60-61. Council Members Lawrence and Holm absent.

Mayor White stated that the Parks Director would work with Council Member Goldberg on the issue. Council Members Lawrence and Holm absent.

Council Member Wiseman stated that she would release her tag on Council Member Goldberg's motion to amend 60-12.

60-12 - No. 8.12 - Create a policy for selling COH liens as allowed by law and create a policy for below market leases and present both to City Council within 90 days – was again before Council and a vote was called on Council Member Goldberg's written motion to approve 60-12 as substituted. All voting aye. Nays none. Council Members Lawrence and Holm absent. MOTION 2004-0768 ADOPTED.

Council Member Berry moved to refer Item numbers 60-62, 60-63, 60-64, 60-65, 60-66, 60-67 and 60-68 back to the administration, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Holm absent. MOTION 2004-0769 ADOPTED.

60-62 - No. 5.7 - Reduce Membership & Professional Fees (line item 3905) expenditures to the

following amounts (total savings: \$31,268):
Municipal Courts – Administration: \$1,058 (FY03 Actual; savings: \$5,142)
Planning & Development: \$5,445 (FY04 Estimate; savings: \$13,355)
Public Works & Engineering: \$50,241 (FY03 Actual; savings: \$9,459)
Finance & Administration: \$11,039 (FY03 Actual; savings: \$1,681)
Human Resources: \$2,569 (FY03 Actual; savings: \$1,631) – (See MOTION 2004-0769)

60-63 - No. 5.8 - Eliminate all expenditures from the general fund on Travel – Training Related and Travel – Non-training Related in all departments except Police, Fire and City Council (savings: \$221,624). (See MOTION 2004-0769)

60-64 – No. 5.9 - Reduce expenditures from the general fund on Audio-Visual Supplies to \$286,328 (FY03 Actual; savings: \$102,497). (See MOTION 2004-0769)

60-65 – No. 5.10 - Reduce expenditures from the general fund on Publications & Printed Materials (line item 2315) to \$531,251 (FY03 Actual; savings: \$75,091). (See MOTION 2004-0769)

60-66 – No. 5.6 - Reduce Education & Training (line item 3900) expenditures to the following amounts (total savings: \$149,077), and limit Education & Training expenditures in all departments to training that is necessary to the job function of the participating employee:

Municipal Courts – Justice: \$3,039 (FY03 Actual; savings: \$2,461)
Building Services: \$14,406 (FY03 Actual; savings: \$1,694)
Planning & Development: \$10,000 (savings: \$6,100)
Public Works & Engineering: \$39,558 (FY03 Actual; savings: \$55,842)
Library: \$9,893 (FY03 Actual; savings: \$8,132)
Parks & Recreation: \$750 (amount that was supposed to be budgeted in FY04 pursuant to Motion #2003-0735, but budget amendment was never implemented; savings: \$21,050)
Affirmative Action: \$300 (FY04 Estimate; savings: \$2,700)
Office of the City Controller: \$15,313 (FY03 Actual; savings: \$4,187)
Finance & Administration: \$8,619 (FY03 Actual; savings: \$16,987)
Human Resources: \$2,500 (savings: \$6,300)
Information Technology: \$13,676 (FY03 Actual; savings: \$8,324)
Legal: \$10,000 (savings: \$15,300) - (See MOTION 2004-0769)

60-67 – No. 5.11 - Reduce expenditures from the general fund on Clothing (line item 2701) to \$2,500,000 (reduction is commensurate with reduction in City employees since FY02; savings: \$348,998). (See MOTION 2004-0769)

60-68 - No. 5.13 - Reduce expenditures in the Library Department on Marketing & Development to \$521,026 (FY04 Estimate; savings: \$188,200) (See MOTION 2004-0769)

Council Member Khan moved to refer Item numbers 60-69, 60-70, 60-71, 60-72, 60-73, 60-74, 60-75, 60-78, 60-79, 60-80, 60-81, 60-82, 60-83, 60-85, 60-86, 60-87, 60-88, 60-89, 60-90, 60-92 and 60-93 back to the administration for a detailed analysis, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0770 ADOPTED.

60-69 - No. 11.6 - Reduce expenditures from the General Fund on Clothing (line item 2701) from \$2,848,998 to \$2,650,000 and reduce each affected department budget to reflect this change (savings: \$198,998) (See MOTION 2004-0770)

- 60-70 - No. 11.7 - Reduce expenditures from General Fund on Miscellaneous Support Services (line item 3345) from \$4,865,391 to \$4,000,000 and reduce each affected department budget to reflect this change (savings \$865,391) (See MOTION 2004-0770)
- 60-71 - No. 11.9 - Reduce the Overall City Council Department Budget from \$4,203,428 to \$4,150,185 (savings: \$53,243) (See MOTION 2004-0770)
- 60-72 - No. 11.11 - Reduce Solid Waste Department expenditures on clothing (line item 2701) from \$72,800 to \$60,000, and reduce the Solid Waste Department budget to reflect this change (savings: \$12,800). (See MOTION 2004-0770)
- 60-73 - No. 11.12 - Reduce Planning and Development expenditures on Audio/Visual applications (line item 2300) from \$121,400 to \$60,000, and reduce the Planning and Development Department budget to reflect this change (savings: \$61,400) (See MOTION 2004-0770)
- 60-74 - No. 11.13 - Reduce Planning and Development expenditures on Computer Supplies (line item 2305) from \$87,016 to \$60,000, and reduce the Planning and Development Department budget to reflect this change (savings: \$27,016) (See MOTION 2004-0770)
- 60-75 - No. 11.14 - Reduce Planning and Development expenditures on Office Equipment Rental (line item 3409) from \$18,500 to \$9,250 and reduce the Planning and Development budget to reflect this change (savings: \$9,250) (See MOTION 2004-0770)
- 60-78 - No. 11.15 - Reduce Planning and Development expenditures on Membership & Professional Fees (line item 3905) from \$18,800 to \$9,400 and reduce the Planning and Development budget to reflect this change (savings: \$9,400) (See MOTION 2004-0770)
- 60-79 - No. 11.19 - Reduce Parks & Recreation expenditures on Recreational Supplies (line item 2704) from \$284,700 to \$247,800 and reduce the Parks & Recreation budget to reflect this change (savings: \$36,900) (See MOTION 2004-0770)
- 60-80 - No. 11.20 - Reduce Parks & Recreation expenditures on Information Resource Services (line item 3323) from \$24,000 to \$10,500 and reduce the Parks & Recreation budget to reflect this change (savings \$13,500) (See MOTION 2004-0770)
- 60-81 - No. 11.21 - Reduce Parks & Recreation expenditures on Management Consulting Services (line item 3335) from \$84,300 to \$50,000 and reduce the Parks & Recreation budget to reflect this change (savings: 34,300) (See MOTION 2004-0770)
- 60-82 - No. 11.22 - Reduce Parks & Recreation expenditures on Refuse Disposal (line item 3525) from \$188,300 to \$166,400 and reduce the Parks & Recreation budget to reflect this change (savings: \$21,900) (See MOTION 2004-0770)
- 60-83 - No. 11.24 - Reduce Health & Human Services expenditures on Publication & Printed Materials (line item 2315) from \$19,700 to \$10,000 and reduce the HHS budget to reflect this change (savings: \$9,700) (See MOTION 2004-0770)
- 60-85 - No. 11.26 - Reduce Library expenditures on Office Equipment (line item 3625) from

\$25,600 to \$10,000 and reduce the Library budget to reflect this change (savings: \$15,600) (See MOTION 2004-0770)

60-86 - No. 11.27 - Reduce Finance and Administration expenditures on Employee Rewards (line item 1199) from \$33,000 to \$2,970 and reduced the F&A budget to reflect this change (savings: \$30,030) (See MOTION 2004-0770)

60-87 - No. 11.28 - Reduce Legal Department expenditures on Computer Equipment & Software Maintenance (line item 3615) from \$50,000 to \$27,000 and reduced the Legal Department's budget to reflect this change (savings: \$23,000) (See MOTION 2004-0770)

60-88 - No. 11.29 - Reduce Legal Department expenditures on Int. Fd. Photocopy Services (line item 3765) from \$46,900 to \$34,237 and reduced the Legal Department's budget to reflect this change (savings: \$12,663) (See MOTION 2004-0770)

60-89 - No. - 11.33 - Reduce Finance and Administration Department expenditures on Food Supplies (line item 2702) from \$3,000 to \$1,000 and reduced the F&A budget to reflect this change (savings: \$2,000) (See MOTION 2004-0770)

60-90 - No. - 11.34 - Reduce Finance and Administration Department expenditures on Management Consulting Services (line item 3335) from \$20,000 to \$10,000 and reduced the F&A budget to reflect this change (savings: \$10,000) (See MOTION 2004-0770)

60-92 - No. - 11.36 - Reduce Finance and Administration Department expenditures on Office Equipment Rental (line item 3409) from \$64,300 to \$42,168 and reduced the F&A t budget to reflect this change (savings: \$22,168) (See MOTION 2004-0770)

60-93 - No. - 11.39 - Reduce Finance and Administration Department expenditures on Building Services Maintenance (line item 3600) from \$52,116 to \$44,500 and reduced the Building Services budget to reflect this change (savings: \$7,616) (See MOTION 2004-0770)

Council Member Khan moved to table Item numbers 60-76 and 60-84, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0771 ADOPTED.

60-76 - 11.15 - Reduce Planning and Development expenditures on Membership & Professional Fees (line item 3905) from \$18,800 to \$9,400 and reduce the Planning and Development budget to reflect this change (savings: \$9,400) (See MOTION 2004-0771)

60-84 - 11.25 - Reduce Building Services expenditures on Education and Training (line item 3900) from \$16,100 to \$9,100 and reduce the Building Services budget to reflect this change (savings: \$7,000) (See MOTION 2004-0771)

60-77 - No. 11.16 - Reduce Public Works & Engineering expenditures on Metro Commuter Passes (line item 3404) from \$71,300 to \$40,000 and reduce the PWE budget to reflect this change (savings: \$31,300) - was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Galloway. Council Member Lawrence absent.

60-91 - No. 11.35 - Reduce Finance and Administration Department expenditures on Real Estate Office Rentals (line item 3400) from \$94,470 to \$76,280 and reduce the F&A budget to reflect this change (savings: \$18,190) - was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Galloway. Council Member Lawrence absent.

After discussion by Council Members, Council Member Galloway released her tag on Item 60-91.

A vote was called on Item 60-91. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0772 ADOPTED.

60-94 - No. 10.2 - Eliminate line item 1981, compensation contingency, in the General Fund. This will result in a savings of \$7.6m of which, \$5 million will be used to offset ½ cent property rate roll back with the remaining \$2.6m allocated to fund an HPD Cadet Class - was presented, and tagged by Council Member Galloway. Council Member Lawrence absent.

60-95 - No. 10.6 - Reduce line item 3345, Miscellaneous Support Services, in the General Fund to FY04 estimate - \$3,875,343 - was presented.

Council Member Wiseman moved to table Item 60-95, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0773 ADOPTED.

60-96 - No. 13.8 - Reduce line item #3345 Miscellaneous Support Services (*due to increase of document storage*) (Police General Fund) from \$823,100 to \$600,000 (FY2004 Estimate) - was presented.

Council Member Garcia moved to table Item 60-96, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0774 ADOPTED.

60-97 - No. 13.9 - Reduce Planning and Development General Fund FY 05 – Personnel by 1-Asst. Director and 1 Deputy Asst. Director - was presented.

Council Member Garcia moved to table Item 60-97, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan absent. MOTION 2004-775 ADOPTED.

Council Member Green moved to refer Item 60-102, 60-105, 60-106, 60-107, 60-108, 60-109, 60-110, 60-111, 60-112, 60-113 and 60-114 back to the administration for detailed analysis, the result of which shall be reported within 90 days to the Fiscal Affairs and Management Initiative Committee, along with a recommendation to implement any that are determined by the administration to be warranted and advisable, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Lawrence and Khan absent. MOTION 2004-0776 ADOPTED.

60-102 - No. 4.6 - Reduce from the Municipal Courts – Administration, Line Item #3402 Parking Space Rental, from a budgeted amount of \$60,000 in FY2005 to \$40,000 (Saving: \$20,000) (See MOTION 2004-0776)

60-105 - No. 4.9 - Reduce from the Building Services Department, Line Item #3105 Security Services, from a budgeted amount in FY2005 of \$1,229,753 to \$1,169,753 (Savings: \$60,000). (See MOTION 2004-0776)

- 60-106 - No. 4.10 - Reduce from the Planning Department, Line Item #2305 Computer Supplies, from a budgeted amount in FY2005 of \$87,016 to \$57,016 (Savings: \$30,000). (See MOTION 2004-0776)
- 60-107 - No. 4.11 - Reduce from the Public Works and Engineering Department, Line Item #3620 Enterprise Applications, from a budgeted amount in FY2005 of \$94,500 to \$44,500 (Savings: \$50,000). (See MOTION 2004-0776)
- 60-108 - No. 4.12 - Reduce from the Solid Waste Department, Line Item #2701 Clothing from a budget amount in FY2005 of \$72,800 to \$52,800 (Savings: \$20,000). (See MOTION 2004-0776)
- 60-109 - No. 4.13 - Reduce from the Solid Waste Department, Line Item #2738 Miscellaneous Parts & Supplies, from a budgeted amount in FY2005 of \$100,000 to \$80,000 (Savings: \$20,000). (See MOTION 2004-0776)
- 60-110 - No. 4.14 - Reduce from the Fire Department, Line Item #2315 Publications and Printed Materials, from a budgeted amount in FY2005 of \$52,913 to \$32,913 (Savings: \$20,000). (See MOTION 2004-0776)
- 60-111 - No. 4.15 - Reduce from the Fire Department, Line Item #2305 Computer Supplies, from a budgeted amount in FY2005 of \$183,350 to \$133,350 (Savings: \$50,000). (See MOTION 2004-0776)
- 60-112 - No. 4.16 - Reduce from the Finance and Administration Department, Line Item #3616 Communication Equipment Services, from a budgeted amount in FY2005 of \$30,300 to \$10,300 (Savings: \$20,000). (See MOTION 2004-0776)
- 60-113 - No. 4.17 - Reduce from the Human Resources Department, Line Item #1105 Salary-Part Time-Civilian, from a budgeted amount in FY2005 of \$62,104 to \$32,104 (Savings: \$30,000). (See MOTION 2004-0776)
- 60-114 - No. 4.18 - Reduce from the Information Technology Department, Line Item #3107 Temporary Personnel Services, from a budgeted amount in FY2005 of \$204,310 to \$174,310 (Savings: \$30,000). (See MOTION 2004-0776)

Council Member Green moved to table Item numbers 60-103 and 60-104, seconded by Council Member Alvarado. Council Member Lawrence absent. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0777 ADOPTED.

- 60-103 - No. 4.7 - Reduce from the Police Department, Line Item #1270 Clothing Allowance Classified, from a budgeted amount in FY2005 of \$1,295,337 to \$1,155,337 (Savings: \$140,000). (See MOTION 2004-0777)
- 60-104 - No. 4.18 - Reduce from the Police Department, Line Item #3325 Medical, Dental & Lab Services, from a budget amount in FY2005 of \$1,931,560 to \$1,731,560 (Savings: \$200,000). (See MOTION 2004-0777)
- 60-115 - No. 3.5 - The City of Houston shall fund the state lobbying budget at 2003-2004 budget levels - was presented.

Council Member Sekula-Gibbs moved to table Item 60-115, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0778 ADOPTED.

60-116 – No. 3.8 - Funds allocated for the Third Ward Multi-Service Center Health Clinic shall be transferred to the Riverside Clinic when it is officially reopened - was presented. Council Member Lawrence absent.

Council Member Sekula-Gibbs stated that she had a written motion to substitute for Item 60-116 as follows:

“I move to substitute the following for item #60, line 116 on June 23, 2004 agenda:

(3.8)

\$375,000 currently allocated to the Riverside Clinic, now being used at the Third Ward Multi-Service Center, shall be allocated to the provision of health services at the Riverside Clinic when it is officially reopened.”

After discussion by Council Members, Council Member Galloway stated that she would tag Item 60-116. Council Members Lawrence and Wiseman absent.

60-117 – No. 2.6 - Allocate \$1,000,000 to the Public Works & Engineering Department for use in performing crack repair and road shoulder maintenance work - was presented.

Council Member Quan stated that he had a written motion to substitute for Item 60-117 as follows:

“I move to substitute the following for item #60, line 117 on June 23, 2004 agenda:

The City of Houston shall develop a plan to address repair of cracks to roads and maintain road shoulders on a timely basis and shall accordingly allocate funds to the Public Works and Engineering Department to implement this plan.

A vote was called on the motion by Council Member Quan that he be allowed to substitute language for Item 60-117, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0779 ADOPTED.

A vote was called on the written motion by Council Member Quan to approve Item 60-117 as substituted. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0780 ADOPTED.

60-118 – No. 9.2 - Increase city's funding for HIV/AIDS State of Emergency Task Force to \$500,000.00 - was presented. Council Member Lawrence absent.

After discussion by Council Members, Mayor White stated that if Council Member Edwards had something that said, “and shall use our best efforts to identify the source of funding and report back within a particular time”, that he could not tell them that he had the opportunity to identify a source of funding but that would be their intention on Item 60-118.

After further discussion Mayor White stated that Council Member Alvarado had suggested that perhaps they could have a commitment that could be incorporated into the amendment “that the administration shall report back a plan to fund increases to the full Council” and asked if Council Member Edwards would allow them to do that, and Council Member Edwards stated that she would accept the Mayor's word that it would be done, and Mayor White asked Council Member Edwards if she would modify the motion and incorporate Item numbers 60-118 and 60-119 to say “that the administration shall develop a plan to fund the task forces with a funding source and specifically identify and shall report back to Council within 30 days”, and Council Member Edwards stated that would be fine but would say “60 days” because she wanted it to work.

Mayor White asked if anyone objected to the motion to amend Item number 60-118 and 60-119 and hearing none stated that the items were amended by unanimous consent. Council Member Lawrence absent.

60-119 - No. 9.3 - Increase city's funding for Hepatitis C Task Force to \$500,000.00 (See MOTION 2004-0781)

A vote was called on the motion by Council Member Edwards to approve Item Numbers 60-118 and 60-119 as amended. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0781 ADOPTED.

60-120 – No. 9.6 - Maintain Police Athletic league (PAL) funding at FY04 level – was presented. Council Member Lawrence absent.

Council Member Edwards stated that she had worked with a number of the police officers that operated the program and worked with a number of agencies in their community that benefited from the program, that it went to the prevention of crime in their community and thought that any of the programs that they would eliminate this would not be one of them. Council Member Lawrence absent.

Council Member Edwards moved to adopt Item 60-120, seconded by Council Member Green. Council Member Lawrence absent.

Mayor White stated that if the item passed they would have to identify where the police budget would be cut, they were not taking people out of the call for service loop and had eliminated some of the specialty programs of the Police Department in order to maintain people in that call for service loop, it included some bike patrols, but the administration would oppose the item because of that priority in the call for service loop. Council Members Lawrence and Alvarado absent.

Council Member Garcia stated that he would like to suggest to Council Member Edwards if she would accept a friendly amendment in terms of coming back with a 30 or 60 day schedule because he had been talking to several people inclusive of the PAL Board and DARE folk, that he had been talking to an officer who had been running the sports program at an extremely cost effective level, a group of officers, almost entirely on their own time, that their level of compensation equated to several hours of comp time and the program paid for itself but they had been doing it decentralized which kept the officers in the call for service loop and kept the officers in direct line of contact with the kids they were working with, not like they were doing with the DARE where the officers were doing that function only, that he would ask if his colleague if maybe they could have a discussion with the folks running the police sports program as a way to encapsulate the DARE and PAL program but on a more cost effective process than what they were doing now. Council Members Lawrence, Alvarado and Ellis absent.

Mayor White asked if Council Member Garcia was asking if the matters be referred back to his committee to have a report about how they were going to conduct them and where they would fund them, and Council Member Garcia stated yes and the strategy on funding the program.

After further discussion, Council Member Garcia offered a substitute motion to refer Item 60-120 to the City Council Public Safety Committee for a report identifying the source of funding or an alternative to maintaining the program, seconded by Council Member Alvarado. Council Members Galloway, Edwards and Green voting no, balance voting aye. Council Members Lawrence, Wiseman and Ellis absent. SUBSTITUTE MOTION 2004-0782 ADOPTED.

60-121 – No. 9.7 - Maintain funding for all after school programs at FY04 levels – was presented, moved by Council Member Edwards, seconded by Council Member Alvarado. All voting aye. nays none Council Member Lawrence absent. MOTION 2004-0783 ADOPTED.

Council Member Green moved to table Item numbers 60-122 and 60-123, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0784 ADOPTED.

60-122 – No. 4.3 - Increase the annual funding in FY2005 for the HIV State of Emergency Program from \$100,000 to \$200,000 annually (Health and Human Services Department) (See MOTION 2004-0784)

60-123 - No. 4.4 - Increase the Hepatitis C Awareness Initiative funded amount in FY2005 from \$100,000 to \$200,000 annually (Health and Human Services Department) - was tabled by MOTION 2004-0784. (See MOTION 2004-0784)

60-124 – No. 4.5 - Increase the Aging Family Caregiver Program funded in FY2005 from \$25,000 to \$50,000 (Health and Human Services Department) - was presented, moved by Council Member Green, seconded by Council Member Quan. Council Member Lawrence absent.

Council Member Quan stated that Ms. Marks had been wonderful in seeking funds from the private sector and possibly she could find \$25,000 more that could go towards the senior project that Council Member Green was looking at and Council Member Green stated that he would accept that, and Mayor White stated asked if they could amend it to say “they would use their best efforts to find the funding to increase the amount from \$25,000 to \$50,000” and asked Council Member Green if he would accept that and Council Member Green stated he would accept that. Council Member Lawrence absent.

Mayor White stated that if there was no objection they would amend Item 60-124.

A vote was called on Item 60-124 as amended. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0785 ADOPTED.

Council Member Galloway stated that she would release her tag on Item 60-116.

60-116 – No. 3.8 - Funds allocated for the Third Ward Multi-Service Center Health Clinic shall be transferred to the Riverside Clinic when it is officially reopened – was again before Council.

After discussion by Council Members a vote was called on the motion to allow Council Member Sekula-Gibbs to substitute language for 60-116, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0786 ADOPTED.

After further discussion by Council Members a vote was called the written motion as follows by Council Member Sekula-Gibbs to approve Item 60-116 as substituted. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0787 ADOPTED.

“I move to substitute the following for Item No. 60, Line 116 on the June 23, 2004 agenda:
(3.8)
\$375,000.00 currently allocated to the Riverside Clinic, now being used at the Third Ward Multi-Service Center, shall be allocated to the provision of health services at the Riverside Clinic when it is officially reopened.”

Council Member Green stated that he had a written amendment to offer as follows, seconded by Council Member Khan.

“The City of Houston shall analyze and develop, not later than 90 days from the adoption

of the Fy'05 Budget, with ongoing input and recommendation from the appropriate Council Committee(s), a city-wide policy concerning: Combining the City of Houston Bureau of Animal Regulation and Care (BARC) with the Harris County Rabies/Animal Control (HCRAC) and report the results to the appropriate Council Committee(s), with the goal of avoiding duplication, reducing overall costs and improving the ability of the City to provide superior customer service.”

Mayor White stated that the administration agreed with the amendment and a vote was called on the motion by Council Member Green. Council Member Edwards voting no, balance voting aye. Council Member Lawrence absent. MOTION 2004-0788 ADOPTED.

60a. ORDINANCE related to the Fiscal Affairs of the City, including approving the annual budgets of the City of Houston, Texas, for Fiscal Year 2005 for the General, Enterprise, Special Revenue, Internal Service, Revolving, Debt Service and Tax Increment Reinvestment Zone Funds; providing for future adjustment to the beginning fund balances; making various amendments to the proposed budgets; re-designating a cash reserve in the fund balance; increasing certain fees; making adjustments to the structure of the Houston Emergency Center; establishing a cost for copies of the structure of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability – **(This was Item 61A on Agenda of June 16, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and HOLM)** – was presented as amended. All voting aye. nays none. Council Member Lawrence absent. ORDINANCE 2004-0682 ADOPTED.

Mayor White stated that the citizens, whether they agreed or disagreed with the Mayor or Council Members on a particular item, were supporting them for working constructively together as a team, that he appreciated the leadership and experience that the Chairman of the Fiscal Affairs Committee brought to bear and next year the expectation was going to be even higher on what they would be able to accomplish.

Council Member Garcia stated that he would release his tag on Item No. 35.

35. ORDINANCE appropriating \$3,229,665.84 out of Storm Sewer Consolidated Construction Fund, \$589,550.00 out of Water & Sewer System Consolidated Construction Fund, \$11,049,000.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Kirby Drive Storm Sewer Project - Segment One - Brays Bayou to Dorrington Street, GFS M-0771-01-3 (SM5044-01); providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund, the Water & Sewer System Consolidated Construction Fund and Drainage Improvements Commercial Paper Series F Fund - **DISTRICT C - GOLDBERG** – was again before Council. All voting aye. Nays none. Council Members Lawrence and Wiseman absent. ORDINANCE 2004-0683 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that with regarding the budget she still thought they were cutting off their nose to spite their face with the tax rollback but hopefully she would be proven wrong. Council Members Lawrence, Galloway, Wiseman, Ellis, Green and Berry absent.

Council Member Edwards stated that last week they had a young lady's mother who was on the Olympic team by the name of Nia Abdala, that in Atlanta she won her match and beat the fighter from Korea and the Columbian Olympian for the title of the games in Atlanta, that she was now in Maryland training with her trainer and with World Champion of Takwando, Ms. Annette Love, that they still needed any help that they could give to her and her family and support her going to the Olympics, that there was a fund that was called the Nia USA Fund,P.

O. Box 38553, Suite 165, Houston, Texas or they could call 713-478-6227, that there were several City employees who saw her mother at the public session and had given very substantial contributions, that one gave \$500 the next day to the fund, that she wanted to commend the City employees, who once again for stepping up. Council Members Lawrence, Galloway, Wiseman, Ellis, Green and Berry absent.

Council Member Garcia stated that he would like to extend his appreciation to Council Member Ellis and his staff for their work and also to the administration, that the priorities of the City were many and diverse but all the same, that his focus was keeping more cops on the street and making sure that people got more prompt response to their calls. Council Members Lawrence, Galloway, Wiseman, Ellis, Green, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that as to the employees of the City, that he took a beating on the employee compensation line item that they had in the budget, but thought about it and they were in tough times, but if F&A and the Comptrollers projections were going to be what they might be in the terms of the next five years they were still going to be in for tough times in the next 5 years, that they needed some incentive to get them through that so the incentive that the Mayor was providing was necessary and important and demonstrated to the employees that they were all in this together. Council Members Lawrence, Galloway, Wiseman, Green, Quan and Berry absent.

Council Member Garcia stated that as to the Police Pension issue he appreciated the request that he asked of the Mayor to have further discussion on it and have further insight into it, that there was that question of how could they fund fire at previous levels and not police, that he looked forward to working with the Mayor on it and making sure that they work it out with everyone's best interest involved. Council Members Lawrence, Galloway, Wiseman, Green, Quan and Berry absent.

Council Member Garcia stated that on the issue of the young people, he appreciated the ingenuity and creativity of some folks out there that were providing some plans that were well worth good discussion and he planned to bring those discussions to the committee immediately and hold a special session on it because there was a way to continue to those programs conceptually. Council Members Lawrence, Galloway, Goldberg, Wiseman, Green, Quan and Berry absent.

Council Member Holm stated that she wanted to thank Mayor White, Council Member Ellis and her colleagues for helping get them through the budget process, that she was proud to be a part of the Council and the administration. Council Members Lawrence, Galloway, Wiseman, Garcia, Green and Berry absent.

Council Member Alvarado stated that she wanted to echo everybody's sentiments and appreciated all the work of the Mayor's office, particularly the senior staff, including the Agenda Office and the department directors who were responsive, and a special thanks to Council Member Ellis for keeping everything, as best he could, on time and on schedule, that she wanted to commend the first time Council Members, because she thought they all did an outstanding job. Council Members Lawrence, Galloway, Wiseman, Green and Berry absent.

Council Member Sekula-Gibbs stated that she too wanted to congratulate the Mayor on an excellent job of bringing forth a difficult budget in a fairly palatable manner and also congratulate the Chair of the Fiscal Affairs Committee on presenting a difficult subject in a comprehensive and understandable manner, that she also wanted to thank the departments for preparing and presenting their information in a timely manner and usable presentation, that she wanted to thank her staff for doing an excellent job. Council Members Lawrence, Galloway, Wiseman, Green and Berry absent.

Mayor White stated that the Board of Methodist Hospital agreed to a historic agreement for the City to affiliate with the Lyle Cornell Medical College, which was one of the top medical schools in the Country, and teaching faculty at Methodist Hospitals would be offered positions with the Cornell faculty, so now they would have yet another teaching hospital using one of the base institutions of the Medical Center. Council Members Lawrence, Galloway, Wiseman, Holm, Green and Berry absent.

Council Member Khan stated that he wanted to thank his staff, especially Ms. Dionne Roberts, who worked very hard on the budget, that he also wanted to thank Chairman Ellis and everyone who served on the Fiscal Affairs and Management Initiatives Committee, and the department heads who were very forthcoming in not only their presentations but also in answering the Council Members questions, that he wanted to thank the Mayor and his staff for listening to the Council Members and the things that were important. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

Council Member Khan stated that he wanted to congratulate the Houston Airport System and China Airlines, that for the second time in two months a new airline had inaugurated a flight out of Houston, that last night it was China Airline's inaugural flight from Houston to Taipei, who was Houston's first Sister City, that he wanted to extent their gratitude to HAS and Director, Mr. Vacar and the people who were very instrumental in brining that airline to Houston. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

Council Member Quan stated that the budget process was not an easy process by any stretch, to say he was totally thrilled by the process and what the results were would not be correct, that he thought they could have done better and more for the citizens but thought the responsibility now lay between the administration and the Council to see that a number of the initiatives that had been raised were really followed through, that he was hopeful that they could work together to make sure that they could address a number of the concerns that had been expressed by the citizens, that he appreciated all of the Mayor's efforts. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

Council Member Ellis stated that he agreed with what Council Member Quan stated, that there seemed to be an air of cooperation between the administration and the Council Members, that he believed that it went quite smoothly, that with the air of cooperation came a lot of responsibility on the administrations part because they had made a lot of commitments that they would move forward on a lot of the amendments and be brought before a committee over the next 120 days, that he would like the Mayor to give some direction to his staff, he would like to see all of the amendments that had been passed and what the commitment was and maybe in the next 10days something could be put together and they could look at it and determine which committees those amendments that were going to be studied and evaluated would go, that he also wanted to thank Ms. Johnson and her staff for their help and wanted to thank Ms. Stein and her staff, and wanted to thank his staff, and not to exclude Ms. Anna Cedillo. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

Council Member Goldberg stated that he also wanted to commend Council Member Ellis on leading the Fiscal Affairs Committee, that he appreciated on the amount of effort he gave in saving them time and also his staff did an excellent job. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

Council Member Goldberg stated that as Council Member Khan mentioned, yesterday was the first direct flight to Taipei, in order to be a world class City they needed direct flights from other world class cities, that he wanted to compliment Mr. Vacar and the Houston Airport System, they had eight new international flights this year and two brand new airlines were now servicing Houston that had not before, that their system, with Bush and Hobby together, was the sixth largest in the world. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

Council Member Goldberg stated that he wanted to congratulate Mr. Abe Saavedra, the new Interim HISD Superintendent, that he thought he was going to do an outstanding job, that a couple of weeks ago he met with HISD and all the trustees and they talked about more ideas about doing things together and saving money. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

Council Member Garcia stated that he wanted to recognize the breakfast sponsor, Villa Arcos on Navigation in Houston's Second Ward, Ms. Linda Navarro-Black was gracious to provide all of the breakfast tacos for free. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

Council Member Green stated that one of the new HPD Chief's was present in the audience and wanted to welcome her to the Council Chamber. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

Council Member Green stated that as a first time Council Member going through the budget process he felt they concluded early, that he was very glad that they were able to pass the budget and the conciliatory atmosphere around the Council table was very refreshing, and he thought if all the amendments were followed through the benefit for the City would be tremendous. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

Council Member Green stated that as to the 2025 Plan, which would be voted on this Friday by he and Council Member Holm, they had a lot of comment about it and a lot of people had weighed in on the pros and cons and there would be a vote on Friday and he wanted to let the citizens of Houston to know that after consultation with many of them, along with Dr. Carol Lewis, people would know that the City's interest would be protected by their vote on Friday. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

There being no further business before Council, Upon motion by Council Member Alvarado, seconded by Council Member Sekula-Gibbs, the City Council adjourned at 3:33 p.m. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm and Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary